

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 4th August 1932.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
 Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
 Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
 Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
 Muniswami Nayudu, The hon. Diwan Bahadur B.
 Rajan, The hon. Mr. P. T.
 Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
 Abdul Hameed Khan Sahib Bahadur.
 Ahmed Miran Sahib Bahadur.
 Alamelumangathayaramma, Mrs. K.
 Arasu, Mr. V. T.
 Ari Gowder, Mr. H. B.
 Arogyaswami Mudaliyar, Diwan Bahadur R. N.
 Basheer Ahmed Sayeed Sahib Bahadur.
 Basu Dev, Mr. C.
 Bayappa Reddi, Mr. P.
 Beyabani Sahib Bahadur, S. M. K.
 Bhanoji Rao, Mr. A. V.
 Birley, Mr. F.
 Devadasan, Mr. M.
 Dharmalingam Pillai, Rao Sahib V.
 Ellappa Chettiyar, Diwan Bahadur S.
 Gopalaswami Mudaliyar, Diwan Bahadur M.
 Harischandrudu Nayudu, Mr. A.
 Hood, I.C.S., Mr. H. M.
 Indriah, Mr. C.
 Jagannatham, Mr. H. M.
 James, Mr. F. E.
 Jones, Mr. C. E.
 Kesava Ramamurti Nayudu, Mr. K.
 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
 Kolanda Reddi, Rai Sahib C.
 Koti Reddi, Mr. K.
 Krishnamurti, Rao Sahib D.
 Krishnan, Mr. C.
 Kumara Raja of Venkatagiri, The Kuppaswami Choudari, Mr. J.
 Lakshmana Reddi, Mr. G.
 Madanagopal Nayudu, Mr. R.
 Madhusoodhanan Thangal, Mr. P.
 Mahboob Ali Baig Sahib Bahadur.
 Mahmud Schammad Sahib Bahadur, Khan Bahadur.
 Manikkavelu Nayakar, Mr. M. A.

Moidoo Sahib Bahadur, Khan Bahadur T. M.
 Moses, Mr. P. C.
 Muniswami Pillai, Rao Sahib V. I.
 Muthiah Chettiyar, Mr. M. A.
 Muthu Chettiyar, Rao Bahadur P. C.
 Nadiyappa Gounder, Mr. K. A.
 Nadimuthu Pillai, Mr. A. Pl. N. V.
 Nanjappa Bahadur, Subadar-Major S. A.
 Narasa Reddi, Mr. T.
 Narasimhaswami, Mr. D. V.
 Narayanan Nambiyar, Mr. V. P.
 Narayanaswami Pillai, Rao Bahadur T. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Palat, Mr. R. M.
 Pannirselvam, Rao Bahadur A. T.
 Parthasarathi Ayyangar, Mr. C. R.
 Patnaik Mahasayo, Sriman M. G.
 Patro, *Kt.*, Rao Bahadur Sir A. P.
 Pattagar of Palayakottai, The Peddiraju, Mr. P.
 Pocker Sahib Bahadur, B.
 Premayya, Mr. G. R.
 Rajagopala Pillai, Mr. P. V.
 Raja of Bobbili, The
 Raja of Kallikote, The
 Ramachandra Padayachi, Mr. P. K.
 Ramalingam Chettiyar, Rao Bahadur T. A.
 Ramamurti, Pandit Ganala.
 Raman Menon, Mr. K. P.
 Ramaswami Ayyar, Mr. T. S.
 Ramaswami Mudaliyar, Mr. V. M.
 Ranganatha Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. G.
 Rangaswami Reddi, Mr. M. B.
 Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
 Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Satyanarayana Choudari, Mr. C.
 Sesha Reddi, Mr. B. P.
 Shetty, Mr. A. B.
 Simhaachalam Pantulu, Mr. Gade.
 Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Soundara Pandian, Mr. W. P. A.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.

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PRESENT :—*cont.*

Srinivasan, Rao Bahadur R.	Thomas, Mr. Daniel.
Sriramulu, Mr. G.	Thorne, C.I.E., I.C.S., Mr. J. A.
Stanes, Mr. F. J.	Venkatachala Reddiyar, Mr. K. C. M.
Subbarayan, Dr. P.	Venugopall Nayudu, Rao Bahadur R. K.
Subrahmanyam Chetti, Rao Sahib P.	Yahya Ali Sahib Bahadur, Khan Baha-
Subrahmanya Bhatt, Mr. U. C.	dur.
Sundara Rao Nayudu, Mr. T.	Zamindar of Kirlampudi, The
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Labour

Action taken by the Government on the recommendations of the Royal Commission on Labour.

* 91 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Home Member be pleased to state what action has been taken by the Local Government to implement the recommendations of the Royal Commission on Labour and when the recommendations will be brought into force so far as this Presidency is concerned?

A.—The recommendations of the Commission, so far as this Government are concerned, involve in some cases provincial legislation and require in others administrative action by the Local Government. Others still require action by public bodies (e.g., municipalities, universities, etc.), and by employers and their organizations or by workers' unions. Those requiring action by employers have been brought to their notice by the Commissioner of Labour and the desirability of giving early and sympathetic consideration to the recommendations has been impressed on them. The recommendations regarding the housing of the industrial worker and the relief of congestion in urban and rural areas have been communicated to all municipal councils and local boards for information and necessary action. Most of the recommendations in Chapter XXII relating to the health and welfare of labourers in plantations involve legislation, and these are under detailed examination and will require time for full fruition. With reference to the Commission's recommendation regarding Maternity Benefits legislation, the hon. Member himself has given notice of a motion for leave to introduce, in the Council, a Bill on the lines of the Bombay Act. Regarding the recommendations relating to the machinery for fixing minimum wage and investigation into family budgets of labourers, proposals were called for from the Commissioner of Labour and his report which has been received is under the consideration of Government. The recommendations regarding factories are still under examination by the Commissioner of Labour and the Government are awaiting his report,

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether any provincial legislation is under the consideration of the Local Government? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" The whole question of what provincial legislation is necessary is under the consideration of the Government. It is not possible for me to say anything definite at present."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Have the Local Government heard anything from the municipal councils and local boards as to any action they are taking on the recommendations of the Commission? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" Notice, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the recommendations of the Commissioner of Labour with regard to minimum wage fixing machinery and investigation of family budgets of labourers will be placed on the table of the House and whether the labour unions will be consulted in the matter? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" The suggestion of the hon. Member will be considered."

Law and Order—General

The 'tali' incident.

* 92 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Mrs. L. S. Prabhu refused to take the tali got removed by Mr. Dodwell, the Joint Magistrate of Tellicherry, in lieu of her fine and whether any correspondence took place on that subject between the Government and herself and her husband; and

(b) if so, whether the hon. the Home Member will be pleased to place the same on the table of the House?

A.—(a) Mrs. L. S. Prabhu refused to take back her tali. The correspondence on the subject was with the Jail authorities and was submitted to the Government by the Inspector-General of Prisons.

(b) The Government are not prepared to place the correspondence on the table of the House.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the refusal of Mrs. Prabhu to take back her tali is an absolute refusal or a qualified refusal? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" As far as I remember, she has refused to accept it."

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Mr. U. C. SUBRAHMANYA BHATT:—"Did she not say that she would accept it, if it was sent through her husband who had tied the *tali*?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I think there was some such suggestion. The husband said that he would not be a party to it."

Alleged beating of certain persons in the lock-up by the Police of Bezwada.

* 93 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state whether it is a fact that the Police of Bezwada beat the following persons in the lock-up in Bezwada:—

(i) Bheemavarapu Ramachandra Rao, in the second week of January 1932 in the Town Police lock-up so severely that he vomitted blood;

(ii) Nikkalapudi Shivaramakrishnayya of Kummamoor on 18th January 1932 in Bezwada Town Police station;

(iii) on 27th April 1932, Mr. Nadella Kutumbaya of Katur who picketed post office, in the Bezwada Town Police lock-up; and

(iv) on 29th April 1932 Mr. Yellapeddi Subrahmanyam who distributed pamphlets in Court was beaten in the Town Police station by the sergeant and sub-inspector for refusing to reveal Congress secrets and was forced to sign some papers?

A.—The Government have no reason to suppose that the persons mentioned were ill-treated in Police custody in the manner indicated; nor are they aware of any complaints of ill-treatment preferred by these persons at the time of the alleged occurrences.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the leading advocates of Bezwada have not made a statement containing all these allegations against the Police?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I have not yet seen it."

Mr. ABDUL HAMEED KHAN:—"Have not the Government perused the statement of the leading advocates of Bezwada, which was published in the various newspapers?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

"I have not received any communication as far as I remember. As the matter occurred in January I thought that no useful purpose would be served by asking for information. But, if the hon. Member thinks that I should consult the District Magistrate, I shall do so."

Mr. U. C. SUBRAHMANYA BHATT:—"I think it will be better."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Government say they have no reason to suppose that the persons mentioned were ill-treated in Police custody. May I know whether they made any enquiry before they came to this conclusion?"

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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ We made no enquiries. But if there was any such thing, we would have surely heard of it. Hon. Members would have put some questions about it even earlier.”

Mr. ABDUL HAMEED KHAN:—“ What is the meaning of the Government saying they have no reason to suppose that the volunteers were ill-treated? ”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ I have already answered that.”

Mr. G. SIMHACHALAM PANTULU:—“ Did the Government find out whether there was any truth in the allegations of the leading advocates of Bezvada? ”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ I shall examine the question.”

Police

Expenditure on feeding the Police on account of the civil disobedience movement.

* 94 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) the total expenditure incurred on feeding the Police in the province on account of the civil disobedience movement up to and since the end of March 1932, respectively; and

(b) whether the Police concerned were not paid their usual batta and allowance during the time they were fed by the Government; and, if they were not, the amount so saved in batta and allowance?

A.—(a) & (b) The Government have not got the requisite information, but have called for it.

Forest

Withdrawal of grazing privilege in the Reserve Forests in South Kanara.

* 95 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Collector has stopped the privilege of allowing the cattle to graze in reserve forests in the districts of South Kanara since 1st June 1932;

(b) whether the people of Todikana village and other places filed petitions against the said order of the Collector, to the Collector; if so, whether the hon. Member will be pleased to lay the same on the table of the House; and

(c) what action the Government have taken on the same or propose to take?

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A.—(a) The Government have no information.

(b) Copy* of a petition presented to the Collector by the residents of Todikana village against an order of the Collector closing the Todikana Reserve Forest to grazing is placed on the table of the House.

(c) The Government are awaiting a report from the Collector.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Collector's report has been received now?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No."

Mr. A. B. SHETTY:—"May I know if the Government will consider the desirability of withdrawing their orders if they find that there are not sufficient grazing grounds in the villages adjoining the areas now closed to grazing?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider the suggestion of the hon. Member after the report of the Collector is received."

Prisons and Prisoners

Application of a political prisoner for permission to appear for the B.L. Degree Examination.

* 96 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. N. Bapirazu, B class political prisoner in Cuddalore jail, put in a petition asking for permission to appear for the B.L. examination;

(b) whether it is a fact that the permission sought for was not given; and

(c) if so, why?

A.—(a) Yes.

(b) Yes.

(c) The Government do not consider that prisoners should be given the concession.

Mr. ABDUL HAMEED KHAN:—"May I know why the Government do not consider that prisoners should be given this concession?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government do not consider that a person who has broken the law should be allowed to appear for an examination while he is in prison."

Mr. ABDUL HAMEED KHAN:—"Did not the Government give a similar concession on previous occasions?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I myself did it. But subsequently I thought it was a mistake."

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Mr. ABDUL HAMEED KHAN:—" May I know why he thought he had committed a mistake? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Because I think it was a mistake."

Mr. ABDUL HAMEED KHAN:—" Is it not a fact that even to-day prisoners in other provinces are allowed to appear for examinations? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I am not aware of it."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether political prisoners who are vakils are allowed to practise after they are released? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It will depend on the view which the High Court may take of the conduct of the vakils."

Admission into and release from the Jails in the Presidency of political prisoners for the current calendar year.

* 97 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to furnish a monthwar statement for the current calendar year showing the numbers of admission to, and release from, the various jails in the Presidency of political prisoners under each of the classes A, B, and C?

A.—The information has been called for.

Irrigation

Water-pumping station at Bethamangalam, Kolar district.

* 98 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether he is aware of the existence of a water-pumping station at Bethamangalam, Kolar district;

(b) whether with regard to the information required by the Palar River Committee, he has called for statistics of the quantity of water-pumped at this station; and

(c) whether he has called for figures relating to the consumption of water from Bethamangalam tank (i) by the Gold Mines and (ii) by others?

A.—(a) Yes.

(b) & (c) No.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the main apprehension in the minds of the ryots of the Palar ayacut is not the fact that the Mysore Government are using more water from the Bethamangalam tank than the agreement permits them to do? "

The hon. Sir ARCHIBALD CAMPBELL:—" I am not aware that the fact is as stated, Sir."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Government have taken any steps to verify whether the agreement of 1902 with regard to the Bethamangalam tank is or is not being adhered to by the Mysore Government? "

The hon. Sir ARCHIBALD CAMPBELL:—" If the hon. Member means whether we have written to the Mysore Darbar, the answer is in the negative. The hon. Member himself wrote to me in April informing me that 30 million gallons of water were paid for in the Bethamangalam ayacut. That is equivalent to 57.6 million cubic feet per annum. The total amount of draw-off permitted is 72 million cubic feet. Therefore even allowing for what may be drawn off as free supply, it did not seem to me that any case is made out against the Mysore Government."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know why the Government did not get the official figures for water used from the Bethamangalam tank by the Mysore Government? "

The hon. Sir ARCHIBALD CAMPBELL:—" I am not prepared to ask for information which will imply that we have doubts whether the Mysore Government are carrying out their obligation or not."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Was not this Palar Committee constituted by the Government? "

The hon. Sir ARCHIBALD CAMPBELL:—" I presume the hon. Member is referring to a Committee appointed by the Government."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" If it is a Government Committee that calls for necessary information, what is the difficulty in calling for it and supplying the same to the Committee? "

The hon. Sir ARCHIBALD CAMPBELL:—" I have already explained the reasons."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Have the Government informed the Committee that they would not call for the information? "

The hon. Sir ARCHIBALD CAMPBELL:—" We are endeavouring to collect certain information asked for by the Committee."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask when this Committee called for certain information, why that information has not been called for? "

The hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice."

The tanks situate in the Palar basin.

* 99 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the tanks situated in the Palar basin in the Mysore area;

(b) whether all or any of these tanks are mentioned in the treaty clauses between the British and the Mysore Government or in the agreement relating to the raising of the tank-bund of the Bethamangalam tank;

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- (c) where the Amanikarai tank is situate;
- (d) whether the river Palar does not drop and take from the Amanikarai tank; and
- (e) whether the capacity of the above tank has not been increased in recent years?

4.—(a) According to a statement made by the Mysore Darbar there are over 1,500 tanks in the Palar basin lying within the limits of Mysore.

(b) A few tank drainages are mentioned in the agreement of 1892 which provides that for the construction of new irrigation reservoirs across these drainages the previous consent of this Government should be obtained. The 'agreement' of 1902 relating to the Bethamangalam tank applies to that tank only.

(c) There are two Amanikeres in the Kolar district—one, the Kolar Amanikere adjoining the town of Kolar on the east, and the other, the Somambudhi Amanikere right across the Palar, about 9 miles to the north-west of Kolar town.

(d) The Palar drops into the Somambudhi Amanikere and takes off from it.

(e) The Kolar Amanikere had its waste weir raised by six feet to store more water for the water-supply to Kolar town. Government have no information as to whether the capacity of this Somambudhi Amanikere was increased in recent years.

Mr. V. M. RAMASWAMI MUDALIYAR:—"With reference to the answer to clause (e), may I ask whether the non-official members of the Committee did not make a report to the Committee that it had come to their knowledge that the level of the Amanikere tank bund had been raised?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Is there not in the Government records the report of one of the Executive Engineers to the effect that he found that the Amanikere tank bund level had been raised?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Considering the admittedly inadequate supply of water in the Palar river, have the Government got any proposal to improve matters?"

The hon. Sir ARCHIBALD CAMPBELL:—"Not at present."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I ask what has been the result so far of the investigations made?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"With reference to the answers to clauses (a) and (b), may I ask whether the list of 1,500 tanks

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¹ in the Palar basin lying within the limits of Mysore and the list of tank drainages mentioned in the agreement of 1892, will be made available to the Members of this House or at least to those interested in this question? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I will consider the suggestion of the hon. Member.”

Repairs to the river channel in Mal-Mimal village, Wallaja taluk.

* 100 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the river channel in Mal-Mimal village of the Wallaja taluk is in a neglected condition and whether it is a fact that on this ground remissions are being granted even during the first crop;

(b) when repairs were last executed to this channel; and

(c) whether it is a fact that the Deputy Collector had recommended the construction of an aqueduct, and if so, the reason why this proposal has been given up?

A.—(a), (b) & (c) The Government have not the information but have called for a report.

Irrigation Board for Nandyal tanks.

* 101 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether and, if so, when an Irrigation Board was sanctioned for the distribution and control of water from the tanks in Nandyal; and

(b) the rules relating to its constitution and functions?

A.—(a) An Irrigation Board was first formed by the Collector in 1916.

(b) The rules^a for the working of the Board are appended.

Minor Irrigation

Grievances of the ryots under the Cumbum tank, Kurnool district.

* 102 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(i) whether there is any proposal before the Government to consider the grievances of the ryots under Cumbum tank (Kurnool) which has been drying up almost every year for the past 30 years; and

(ii) whether the Government have under consideration the question of investigating a suitable project for the above tank?

A.—(i) No.

(ii) No.

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S. M. K. BEYABANI SAHIB Bahadur:—" May I ask whether the Government are aware that the tank has been drying up almost every year for the past 30 years? "

The hon. Sir ARCHIBALD CAMPBELL:—" The Government are aware that in recent years 95 per cent of the irrigable ayacut has received water for irrigation of the first crop every year."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I ask whether the Government have any proposal to remodel the irrigation channel of the Cumbum tank? "

The hon. Sir ARCHIBALD CAMPBELL:—" The Chief Engineer has reported that owing to the failure to do kudimaramath work, channels have become very much silted up and the flow is obstructed by weeds and moss. He has asked the Collector to see that these defects are remedied. He has also found that there are a great many sluices without shutters and locks. He has called for estimates for providing these with shutters and locks so as to prevent waste of water."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" With regard to the information that 95 per cent of the ayacut has been irrigated, may I ask the Government to state whether it refers to the first crop alone or first and second crop together? "

The hon. Sir ARCHIBALD CAMPBELL:—" It refers to first crop only."

Mr. A. RANGANATHA MUDALIYAR:—" Are they entered in the accounts as single crop or double crop? "

The hon. Sir ARCHIBALD CAMPBELL:—" I think as single crop."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I ask the hon. Member to look at the irrigation figures once again, because I am afraid his figure of 95 per cent is altogether wrong? "

Land Revenue Administration

Service inams.

* 103 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government, the Inam Commissioner or the Collectors of the districts maintain any lists of religious and charitable service inams confirmed by the Commissioner in or about 1860, with the terms and conditions on which they have been confirmed; and

(b) whether a list of these religious and charitable service inams in the districts of South Arcot and Salem is available and whether copies of the same will be placed on the table of the House?

A.—(a) The Inam Commissioner and the Collectors maintain such lists.

(b) The Government are enquiring how many such inams there are in these two districts and what would be the cost of printing the lists of them. The question of placing copies of the lists on the table of the House will be considered when a reply is received.

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Mr. BASHEER AHMED SAYEED:—"Will the hon. the Revenue Member call for information from the Collectors as to the original extent of the grants and the present extent of the grants and the nature of their administration at present?"

The hon. Sir ARCHIBALD CAMPBELL:—"I will consider the hon. Member's suggestion."

Rendition of Sivaganga.

* 104 Q.—Swami A. S. SAHAJANANDAM: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Estate of Sivaganga is in a progressive condition without debts under the management of the present Estate Collector representing the Court of Wards; and

(b) whether the Government will be pleased to state the probable time of rendition of Sivaganga Estate from the management of the Court of Wards to the Raja of Sivaganga?

A.—(a) The hon. Member's attention is invited to the Annual Administration reports of the Court of Wards which have been published.

(b) It is not at present possible to say.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the estate of Sivaganga is still indebted?"

The hon. Sir ARCHIBALD CAMPBELL:—"I think it is just out of debt at present."

Mr. BASHEER AHMED SAYEED:—"May I ask why the estate should still continue under the Court of Wards?"

The hon. Sir ARCHIBALD CAMPBELL:—"Because the conditions under which it was taken over still continue."

Alleged delay in the disposal of business by the Tahsildar, Mangalore.

* 105 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Member for Revenue be pleased to state whether the Tahsildar and Head Accountant of the Mangalore Taluk office and the staff of the same, unnecessarily ill-treat and inordinately delay the work of respectable landlords that happen to go on business to the taluk office?

A.—The Government have not the information. They have received no complaints of any such conduct.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask the Government if after they received this interpellation from a responsible member of this Council, they called for information and ascertained whether the allegations made therein are true or not?"

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The hon. Sir ARCHIBALD CAMPBELL:—"It is very difficult to call for a report on such vague statements as this. If any particular instances are brought to the notice of the Government they will have the matter enquired into by the Collector."

Landlord and Tenants

Collection of 'kattalai' by the Zamindar of Udaiyarpalaiyam.

* 106 Q.—Mr. V. T. ARASU: Will the hon. the Member for Revenue be pleased to state whether the Zamindar of Udaiyarpalaiyam has been permitted by the Government to collect 'kattalai' (collection fees) by means of any special order?

A.—No.

Mr. V. T. ARASU:—"May I ask whether it is legal for a zamindar to collect any kattalai fees?"

The hon. Sir ARCHIBALD CAMPBELL:—"That is a matter for the Court to decide."

Mr. V. T. ARASU:—"May I ask whether it is a fact that in 1912 Government issued a specific order to the zamindars that they should not collect kattalai fees?"

The hon. Sir ARCHIBALD CAMPBELL:—"I should like notice of the question."

Mr. V. T. ARASU:—"May I ask whether the Government are aware of the fact that courts have decided that the collection of kattalai fees is illegal and that the zamindars should not collect them?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am not at present acquainted with this fact."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government will issue orders preventing the collection of these kattalai fees?"

11-15
a.m.

The hon. Sir ARCHIBALD CAMPBELL:—"This is a matter which should be decided by the Courts, as I have already stated."

Mr. V. T. ARASU:—"Will the hon. Member be pleased to state whether he is aware that kattalai fees are being collected by the Zamindar of Udaiyarpalaiyam?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am not aware of it."

Mr. V. T. ARASU:—"May I ask whether the Government will make enquiries and if they find that these fees are collected, will they direct the Udaiyarpalaiyam Zamindar to stop this collection?"

The hon. Sir ARCHIBALD CAMPBELL:—"No, Sir. The Estates Land Act deals with the matter."

Mr. BASHEER AHMED SAYEED:—"Will the hon. the Member be pleased to state whether the Government will give Police aid for the collection of these fees?"

The hon. Sir ARCHIBALD CAMPBELL:—"The matter is regulated by the provisions of the Madras Estates Land Act."

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Territorial Changes

Proposal for the amalgamation of the North Arcot and Chittoor districts.

* 107 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether any proposal is under consideration regarding the amalgamation of the North Arcot district and Chittoor district; and if so, the nature of the proposal; and

(b) in what stage the above proposal is?

A.—(a) The possibility of abolishing the Chittoor district by restoring more or less the arrangements which existed before the district was formed is being examined.

(b) The Board of Revenue has reported its views, which are under the consideration of the Government.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the reports of the Collectors of the districts and of the Board of Revenue will be placed on the table of the House or supplied to Members interested in the matter? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I shall consider the suggestion of the hon. Member.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I ask what the views of the Board of Revenue are? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I do not know; the report has just been received.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ Is the hon. Member aware that the Chittoor district is predominantly a Telugu district, that North Arcot is a Tamil district and that the amalgamation of these two districts will lead to lot of difficulties? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ The answer to the first part of the question is in the affirmative; the answer to the latter part is a matter of opinion.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether orders have been passed for the transfer of certain portions of the North Arcot district to South Arcot or whether the proposal is still under consideration? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I am not aware of any such orders.”

Local Self-Government

Finances of the Nandyal Municipality.

* 108 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state the amount of profit or loss at which the Nandyal Municipality has been working during each of the last four years, and if it has been working at a loss, the measures taken to make the municipality limit its expenditure to the income?

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A.—The subjoined statement shows the surplus or deficit and the closing balance of the Nandyal Municipal Council during each of the four years ending with 1931-32:—

Year.	General Fund (Ordinary).		Elementary Education Fund.	
	Surplus or deficit in ordinary revenue.	Closing balance on 31st March.	Surplus or deficit.	Closing balance on 31st March.
	RS.	RS.	RS.	RS.
1928-29 ¹	+ 10,065	+ 3,451	— 721	— 396
1929-30 ¹	+ 4,509	— 8,955	— 360	— 1,335 ³
1930-31 ¹	— 6,348	— 20,482	— 471	— 1,806
1931-32 ²	— 3,931	— 8,347	+ 1,906	+ 100

¹ Actuals.

² Revised estimate.

³ Revised with reference to Provident Fund amount of teachers to be adjusted to the general fund.

Government have appointed a special officer to scrutinize the finances of local bodies. The special officer will shortly visit Kurnool district and will report on the finances of the Nandyal Municipal Council.

Religious and Charitable Endowments

Administration of the Kachankurichi temple.

* 109 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Hindu Religious Endowments Board has ever considered the question of bringing under the Hindu Religious Endowments Act the administration of the temple of Kachankurichi, Kollengode, Palghat;

(b) what is the annual income of the temple and who are the trustees; and

(c) why the temple has not been taken over by the Board yet?

A.—(a) The temple in question has been under the jurisdiction of the Hindu Religious Endowments Board ever since the inception of the Board.

(b) The income assessed by the Board for purposes of levy of contribution in fasli 1341 is Rs. 20,734. The trustees of the temple are—

(1) Raja Sir V. Vasudeva Raja, Kt., C.I.E., M.L.A.

(2) M.R.Ry. Cherukunnath Krishnan Nambudripad Avargal.

(3) M.R.Ry. Cherumpatta Vasudevan Nambudri Avargal.

(c) The Act does not provide for the assumption by the Board of the management of temples.

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Education*Appointment of a retired gentleman as Secretary of the Board of Government Technical Examinations.*

* 110 Q.—**MR. ABDUL HAMEED KHAN:** Will the hon. the Minister for Education and Excise be pleased to state what the reasons are for reappointing a retired gentleman to the post of the Secretary of the Government Technical Examinations and retaining him for such a long time?

A.—It is presumed that the hon. Member refers to the Secretary to the Commissioner for Government Examinations. The post of Secretary is a part-time and non-pensionable one with a small pay attached to it. Consequently it has been the practice to appoint retired officers to this post. The retention of the present incumbent is considered desirable as he is an officer of considerable experience and possesses a thorough knowledge of the details of the work of the office.

MR. ABDUL HAMEED KHAN:—“ May I know whether the hon. Minister is aware that the gentleman who is holding the office is very old, that he retired long ago and that it is a scandal that the hon. Minister should patronize officers who do not deserve to be patronized and who are not qualified for the post? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The answer to that is an emphatic negative.”

MR. ABDUL HAMEED KHAN:—“ Will the hon. Minister be pleased to let me know whether it is not necessary that there should be a permanent and whole-time officer holding this post instead of a part-time officer, in view of the importance of the post? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think it is necessary.”

MR. ABDUL HAMEED KHAN:—“ May I ask whether the Government do not consider this post as a very important one? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes; the duties of the post are carried on quite satisfactorily by a part-time officer.”

MR. ABDUL HAMEED KHAN:—“ May I know whether the hon. Minister does not think that this post should be held by an honourable gentleman? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The present incumbent is an honourable gentleman.”

MR. V. T. ARASU:—“ Has the hon. Minister made any attempts to secure a person in the service of the Government to fill this post? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ A man in service would not take up a part-time post.”

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Mr. ABDUL HAMEED KHAN:—" May I know if the Government are of opinion that there is no other man who is prepared to take up this post and who would discharge the duties better than at present? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The question will arise after the present incumbent ceases to hold the appointment."

Mr. ABDUL HAMEED KHAN:—" How long will he continue? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" What are the emoluments of the post? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir."

Delay in filling up the Vice-Principalship of the Law College, Madras.

* 111 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the vacancy in the Vice-Principalship of the Law College has been filled up; and

(b) if not, what the reason is for the delay?

A.—(a) No.

(b) The Madras Services Commission has been addressed to make a selection and has advertised the vacancy.

Mr. ABDUL HAMEED KHAN:—" May I ask whether this post should not go legitimately to persons who are holding the posts of Professors in the Law College at present? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is an office coming under the statutory rules; there is no such provision in those rules."

Mr. BASHEER AHMED SAYEED:—" May I know whether the Government will not consider the desirability of abolishing this post in view of retrenchment? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" We have already made retrenchments; I do not think any further retrenchment is possible."

Overdrawal of the fixed travelling allowance by the Inspecting Officers of the Educational Department.

* 112 Q.—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether inspecting officers of the educational department have submitted memorials to Government regarding recovery of alleged overdrawn fixed travelling allowance;

(b) the circumstances under which such overdrawal was ordered;

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- (c) the period for which recoveries have been ordered; and
- (d) the action taken by Government on such memorials?

A.—(a) Yes.

- (b) Prior to 1926 the touring of Deputy Inspectors was regulated by the provisions of the Madras Inspection Code according to which—
 - (i) Deputy Inspectors had to tour for 190 days in a year subject to certain monthly minima; and
 - (ii) District Educational Officers could condone shortage in touring in the case of Deputy Inspectors who had a large number of schools in or about the headquarters.

In 1926 a general revision of the travelling allowance rules took place. According to these rules Deputy Inspectors continued to have to tour for 190 days in a year but there was no minimum touring for any month and a journey could not be reckoned as a journey on tour if it did not reach a point outside a radius of more than five miles from headquarters. The rules further provided that if an officer did not tour for the prescribed number of days, his fixed travelling allowance should be reduced for each day in deficit by an amount equal to a day's travelling allowance. These rules were communicated by the Director of Public Instruction to subordinate officers on the 4th September 1926 and in a proceedings issued by the Government on the 2nd September 1927 and communicated by the Director of Public Instruction to subordinate officers on the 12th September 1927, it was definitely stated that the provisions in the Madras Inspection Code in regard to touring had been superseded by the new travelling allowance rules. The officers nevertheless continued to draw travelling allowance according to the provisions of the Madras Inspection Code and, as a result, some of them drew travelling allowance in excess of what they were eligible for according to the new rules. On a representation from the Director of Public Instruction, the recovery of overpayments up to end of 1927 was waived by the Government: and it was ordered that there was no justification for a further relaxation of the rules. The overdrawals were thus the result of officers having ignored definite instructions from the Government and the Director of Public Instruction.

- (c) The Director of Public Instruction has ordered recoveries of overdrawals for the period from 1st January, 1928 to 31st August 1931.
- (d) No orders have been passed on the memorials,

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Compilation of a text book on hygiene for use in schools in the Presidency.

* 113 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have made enquiries that in the Bengal Presidency a text book in hygiene called "Swastya Raksha" compiled by an Ayurvedic physician has been prescribed for use in schools by the provincial Government with the approval of their Director of Public Instruction; and

(b) whether any competent person in this Presidency has prepared or has been asked by the Government to prepare a text book of that type for use in the Government and aided schools of this Presidency?

A.—(a) No.

(b) There is no information about the book 'Swastya Raksha'; but books on hygiene prepared by competent persons have been approved by the Text Book Committee for use in schools.

Prescription of a book on health for use in schools.

* 114 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have prescribed any book or books dealing with health to be taught in the middle or the high schools; and

(b) whether the Government have arranged or are arranging for the publication of such books by competent medical men?

A.—(a) Government do not prescribe text-books for middle or high schools.

(b) No; but Government understand that several books dealing with health suitable for use in schools are published by private firms and have been approved by the Text Book Committee.

UNSTARRED QUESTIONS

Forest Panchayats

Forest panchayats in North Arcot district.

115 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) the number of forest panchayats constituted in the North Arcot district;

(b) whether there is any Government Order specifying that half the amount of fine and compensation collected by the forest panchayats should be given to the concerned panchayats for their improvements;

(c) whether any circular was issued by the Government to give effect to the order;

(d) whether the order so issued was subsequently held in abeyance, if so, for what reasons;

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(c) whether it is a fact that the Government are enforcing the forest panchayats to pay annually half the amount, and in many cases the full amount of moiety of compensation and fine collected in addition to the lease fixed in accordance with the provisions of the agreement entered into by the Secretary of State and the panchayatdars;

(f) whether it is a fact that panchayatdars are forced to pay the fine and compensation amount without consulting the panchayats and acting on their views; and

(g) whether it is a fact that by the enforcement of this taxation most of the panchayats are unwilling to work?

A.—(a) Ninety.

(b) & (c) The attention of the hon. Member is invited to G.O. No. 1541, Revenue, dated 11th August 1930, which has been placed at the disposal of the press.

(d) In January 1932, the Government ordered as a measure of retrenchment that the payment of the amount should be stopped until the rent payable to Government by each panchayat had been revised after taking into account its estimated receipts on account of such payment.

(e) The Government are not aware that the facts are as suggested, but are enquiring.

(f) The Government do not understand the question.

(g) The Government are not aware that this is so.

Forest panchayats in North Arcot district working on a deficit balance.

116 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government will be pleased to call for a list of forest panchayats in the North Arcot district working on a minus balance;

(b) whether the Government are willing to encourage such panchayats by way of granting remission in lease amount whenever there is a fall of income;

(c) whether any order was issued to enhance the lease amount by the full amount of moiety of compounding fees in the case of panchayats which are working satisfactorily;

(d) whether it is a fact that in respect of certain panchayats in the North Arcot district the Collector has directed that the lease amount should be enhanced by the full amount of moiety;

(e) if so, what they are; what the benefit derived is by the panchayats by such enhancement by the full amount; and

(f) whether it is a fact that moiety of compounding fees has not been paid to many of the panchayats for over three years in the North Arcot district?

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A.—(a) & (b) The Government do not understand what the hon. Member means by panchayats working on a minus balance. His attention is invited to the Standing Orders on Forest Panchayats (which have been published). These give the policy of the Government in regard to such panchayats and the principles adopted in fixing the lease amounts. If any panchayat needs financial assistance it can make a representation to the Collector and the Board of Revenue.

(c) The answer is in the negative.

(d) & (e) The Government have not the information.

(f) The Government are not aware that the fact is as suggested. The attention of the hon. Member is invited to the answer to clauses (b), (c) and (d) of question Nos. 115, 177.

Irrigation

High level channel for irrigating the Murungapettai area.

117 Q.—Rao Bahadur T. M. NARAYANASWAMI PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have sanctioned the utilization of water from the high level channel for irrigating the sanded fields in the Murungapettai area, Trichinopoly district; and

(b) whether it has been put into execution; if not, why not?

A.—(a) The Government approved, in March 1931, an estimate amounting to Rs. 73,000 for the excavation of the Puduvaithalai High Level Channel for the irrigation of the sanded areas of the Murungapettai block in the Trichinopoly district and made provision for it in the Budget Estimate for 1931-32.

(b) The scheme has been postponed on account of the present financial stringency.

Flood discharge in the Pennar bridge.

118 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Member for Revenue be pleased to state the maximum flood discharge in Pennar bridge on road No. 14 for the past ten years?

A.—The Government have not the information, but have called for a report.

The Tungabhadra Project.

119 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) at what stage the Tungabhadra Project stands;

(b) at what stage the negotiations with the Nizam's Government

stand;

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(c) whether it is a fact that nearly a decade ago a note was received from the then Chief Engineer of Irrigation of Nizam's Government that if both the Nizam and Madras Government agree the Tungabhadra Project could be successfully carried out to the advantage of the famine stricken zones in both territories;

(d) whether that note suggested the construction of a storage reservoir at Hoonoor mutty;

(e) whether that note mentioned that the charge per commanded acre would not exceed Rs. 9;

(f) whether the Nawab expressly mentioned that to utilize the great gift of nature, the Tungabhadra river, to the best advantage, the following works should be started:

(i) a storage reservoir of sufficient power at Hoonoor mutty;

(ii) Bellary Project on the British side eventually tailing into the Kurnool-Cuddapah canal but not contemplating any large supplementing of waters of Pennar for irrigation in Nellore district;

(iii) utilization of the fall that cannot be conveniently taken advantage of for irrigation purposes towards the development of power which is another way of protecting the country from famine;

(iv) necessary enlargement and extension of Cuddapah-Kurnool canal for the requirements of the tract which can be brought under command; and

(g) why the project is being delayed?

A.—(a) It is under correspondence with the Bombay, Mysore and Hyderabad Governments.

(b) The Hyderabad Government have not given their final reply to a reference from this Government in regard to the utilization of the Tungabhadra waters and their participation in the project.

(c) to (f) No such note can be traced in the records of the Madras Government.

(g) The attention of the hon. Member is invited to the answer to clauses (a) and (b).

Territorial Changes

Proposal, if any, for the transfer of certain taluks from North Arcot district to South Arcot district.

120 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) whether there is any proposal to exclude any of the taluks from the present North Arcot district and add them to South Arcot;

(b) if so, what they are;

(c) whether there is any proposal before the Government to add Tiruvannamalai and Chengam taluks now attached to the North Arcot district to South Arcot;

(d) whether the Collectors of Salem, Chittoor and North and South Arcot districts have been consulted in the matter and if so, what the opinions offered by them are;

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(e) whether the Government are aware of the fact that Kangundi Kuppam Zamindari area which was once attached to the North Arcot district has been added to the Chittoor district on the representation of the Zamindar of Kangundi Kuppam; and

(f) whether Kangundi was added to the Telugu district—Chittoor, as it was a Telugu-speaking estate?

A.—(a) to (c) The Board of Revenue has been asked to examine the possibility of abolishing the Chittoor district. A tentative suggestion has been made to transfer the Tiruvannamalai and Chengam taluks from the North Arcot to the South Arcot district.

(d) The Collectors of the districts concerned have been consulted. The Board's report on the subject has just been received.

(e) A major portion of the zamindari was transferred from the North Arcot to the Chittoor district. The zamindar was in favour of the change.

(f) Yes.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

* The hon. the PRESIDENT:—"I have to announce that the Madras Cotton Control Act of 1932 received the assent of His Excellency the Governor-General on the 17th June 1932."

III.—THE ORISSA COMMITTEE REPORT.

* The hon. the PRESIDENT:—"The House will now resume the discussion on the amendment of the Raja of Bobbili. Mr. Patnaik will continue his speech."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I was dealing with the historical aspect of the question. I was referring to paragraphs 54 and 55 of the Committee's Report at page 20. It is as follows:—

'It is believed that the Lion dynasty which from about A.D. 473 ruled Orissa for more than six centuries, extended its sway over the neighbouring tract of Ganjam. This dynasty was overthrown in the 12th century by Chonango Deo, the founder of the Gajapati line of kings. The domains of the Gajapati kings certainly extended beyond the river Kistna and their power was at its height in the 13th, 14th and 15th centuries. The wild nature of the country in Ganjam, however, rendered their administration merely nominal and it is probably for this reason that they established their servants as Lords of the Marches to keep in check the aboriginal tribes of Khonds and Savaras, who as late as the 18th century still occupied portions of the plains. Some of the present zamindars claim descent from the Gajapati kings, and the gazetteer of the district written in the seventies of the last century, states that the Rajas even at present still acknowledge the Raja of Jaggannath or Puri as their chief. Most of the zamindaris are still held by Oriya families.

'In 1560 the last of the independent kings of Orissa was defeated and slain by the Muhammadans, and from about 1571 Ganjam which formed part of the Chicacole Circar was controlled by them from Hyderabad. In 1753 it was assigned by the Subedar of the Deccan to the French.'

"From this it is clear that Ganjam was an integral part of the Province of Orissa for a very long time. It was only when there was

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disruption of Ganjam from Orissa, this part was taken over by the Nizam, until eventually the British took possession of it. I may say that, before the British began to rule, every Government was merely nominal. The Central Government merely cared for the tribute to be paid by the vassals and the Chiefs. But the entire management or the administration both civil, criminal and revenue was left to certain Chiefs. The Central Government became powerful only under the British rule. Oriya kings appointed their servants or relatives as Chieftains.

"So far as the Telugus are concerned, I read out an extract from the fifth report the other day. It is clear from that report that the two leading Zamindars of the Northern Circars—the Bobbili family and the Vizianagram family—came to the Circars only in the 17th century as officials of the Nawab, and gradually acquired large tracts of land which were subsequently permanently settled as their estates.

"Let me go into the question of the division. I have already indicated the portion proposed to be transferred to the new Province. According to the report, the portions are: the whole of Balliguda division, the whole of the Gumsur division, a large portion of the Berhampur taluk, the whole of the Jeypore division, and a small portion of the Chicacole division. At the outset it will be useful to show that so far as the Ganjam district is concerned, it consists of five divisions: (1) Balliguda division—that is, the purely Agency tract which consists of three taluks; in that division, Oriya is the sole language spoken. The Telugu population there is very negligible. The Khonds and the Savaras who inhabit the division along with the Oriyas are taught only Oriya in schools and they have got no written language. An attempt is being made by Rao Sahib Ramamurti Pantulu to teach the Savaras Roman characters. The attempt is bound to fail. Nobody wants now that a new language should be added to the numerous languages of this country. These people must learn only recognized languages. At present, public opinion goes to the length of saying that even the recognized languages should go and that only a single language should be adopted as the language for the whole of India. Therefore, nobody should make an attempt to add to the existing languages. Still that gentleman, Rao Sahib Ramamurti Pantulu, wants his new invention to be recognized. He is the chief opponent to the transfer of Parlakimedi. The Savaras have their kith and kin on either side of the border, that is, the middle of Orissa. A large portion of these people reside there and we have got figures given here.

Khonds in Orissa	...	...	...	287,255
Khonds in Madras	...	...	...	329,569
Savaras in Orissa	...	...	...	202,635
Savaras in Madras	...	...	...	210,511

"In G.O. No. 103, Public, the Madras Government have given the respective strength of the people on the above basis.

11-30 a.m. "From this it is clear that these Savaras have their kith and kin in Orissa, and it is but right that they should be placed under one

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administration. So far as the Oriyas are concerned, what they want is that all these people should be placed under one administration; and I do not think the Madras Government is going to get a transfer of that portion from Orissa. Even the Andhras, at the enquiry held at Gopalpur and at Waltair, did not lay claim to the Balliguda division at all. In the memorandum submitted by the Andhras to the Joint Select Committee in 1919, in Annexure II, they say 'Orissa including Oriya tracts of the Ganjam and Vizagapatam districts of the Madras Presidency, language Oriya,' etc. In 1919, the Andhras admitted the claim of the Oriyas. They have clearly stated that a portion of the Vizagapatam district should go. If this resolution is to be adopted, what is the portion that was thought of in 1919? Will the hon. the Raja Sahib of Bobbili point out if this resolution is not inconsistent with the memorandum submitted by the leaders of the Andhra people in 1919? If, however, better light has dawned on the Andhras during this period, I have nothing more to say.

"Let us now take up the Gumsur division. This division consists practically of three taluks. The Gumsur taluk is purely a Government area; it was also a zamindari until 1835 when it was bought by the Government and converted into a ryotwari tract. Surada was also a zamindari, a sub-taluk of the Aska taluk. That was also bought by the Zamindar of Gumsur, and when Gumsur itself was bought by the Government, this was also bought. My friend asks me 'what about Kodala taluk?' It is in the Chatrapur division. It belongs to the Raja of Khallikote. If the Raja Sahib of Khallikote had not been here, that also would have been claimed. But one thing: the Raja Sahib of Bobbili has been very generous in not claiming that the portions which belong to him should go to the Andhra province. He has only taken the Rushikulya river as the boundary. The Aska taluk comprises Surada, a Government area, the Dharakoti Estate, the Sharaga Estate and the other estates round about Aska. The line proposed by the Raja Sahib of Bobbili cuts up the Sanokimedi Estate into two. The Ghodahado river cuts up this area. If you look at page 21 of the Report, you will find that the total population of the Sanokimedi Estate is 58,769, of which 45,718 are Oriyas and 6,887 are Telugus. You will therefore see that there is a large Oriya population here. The whole of the Gumsur division should go into Orissa; Government also recognized Oriya as the sole Court language in the Gumsur division, so long ago as 1913. I do not think the Madras Government will now say that the Government Order then passed was incorrect and that we should now go back upon it. That being so, I think the Raja Sahib of Bobbili will have to give up his claim at least so far as the Gumsur division is concerned.

"Then with regard to the Berhampur division, the influence of the people there is very great. People there are most active against their inclusion in the new province. You have got there a gentleman by name Rao Sahib Nettan Ramamurti Nayudu. He was a gentleman of the Godavari district; but he married into an official family

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in Berhampur taluk and then became a Huzur Sarishtadar in the Ganjam district. That gentleman was the person who really drafted the report of the Government of Madras in 1904, opposing the transfer of any portion of Ganjam. That gentleman, of course, is now the leader of the Anti-Amalgamation Committee organized by the Andhras in Ganjam. You don't find any people living in the mufassal taking any interest in the matter. So far as the Berhampur town itself is concerned, the Telugu population is 47 or 48 per cent. Apart from the town of Berhampur, the Berhampur division consists of what was formerly the estate of Mohiri which was bought by the Government in 1835. Then we have also two bits of land on the coast which are Government areas tacked on to the Berhampur taluk; but for purposes of criminal jurisdiction, they are included in the Ichchapur sub-magistracy and the Sompeta sub-magistracy. With regard to these two taluks, the Deputy Tahsildars of Ichchapur and Sompeta are independent, so far as the estate areas are concerned. But with regard to the Government area included in these two taluks, the Deputy Tahsildars are subordinate to the Tahsildar of Berhampur. In the Government area of Berhampur taluk is included the Bodokimedi or the Peddakimedi Estate. Let us now look into the population of these areas. If we take the Berhampur taluk as a unit, then what are the parts that would comprise it? First, there is the Mohiri Estate bought by the Government, the Bodokimedi Estate, the Government area in the Ichchapur taluk and the Government area in the Sompeta taluk. The Berhampur taluk is divided into two parts in the report, Berhampur A and Berhampur B. So far as the Bodokimedi Estate is concerned, the total population is 64,220 of which the Oriyas number 45,552 while the Telugus come to about 10,000. Therefore, I am afraid the hon. the Raja Sahib of Bobbili must admit that Bodokimedi also should go into Orissa. So, Sir, I may take it that the hon. the Raja Sahib of Bobbili is willing to admit the claim of the Oriyas to the whole of the Berhampur taluk if it shows a preponderatingly high percentage of Oriya population. Shall I throw it as a challenge and if he accepts that challenge, then there is an end of the matter. The total population of the Berhampur taluk is given as 241,000, of which the Oriyas contribute 129,000, the Telugus 105,000 and the others 6,500. Therefore, it is clear from this that the Oriya population is more than 50 per cent and is the preponderating population in that taluk. I hope the Raja Sahib of Bobbili will have no objection to the inclusion of Berhampur taluk in the new province, as also the Government areas in the coast which were formerly included in the Ichchapur and Sompeta taluk." (Interruptions.)

* The hon. the PRESIDENT:—"The hon. Member should proceed with his speech seriously and not allow himself to be interrupted very often by the other Members of the House. I am afraid, the House will get impatient if he goes on answering aside, questions like that. I, therefore, advise him to go on with his speech without giving room for interruption and unmindful of interruptions. If he wants to be uninterrupted, he may occupy a seat near the Chair and speak."

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* Sriman M. G. PATNAIK Mahasayo:—"They can interrupt me from any quarter. Then, Sir, so far as Berhampur B is concerned, it has been excluded by the Committee from the area to be transferred to the new province. We agree with the hon. the Raja Sahib of Bobbili that a taluk should be taken as a unit and if that test is applied, Berhampur B also should be included in the new province. If we agree to this principle, I believe, the Raja Sahib will not fail to give effect to his own principle that the taluk should be taken as a unit. If you take the Berhampur B bit, then the Telugu population in the other parts of the Berhampur taluk will be considerably reduced in spite of the fact that there is a very large population in the town itself. It may be taken that the Bodokimedi Estate is south of the Ghodado river and if this resolution is adopted, then it will leave out Bodokimedi also, as well as the whole of the Berhampur taluk.

"Then, Sir, as regards the Chatrapur taluk, the Rushikulya river cuts this taluk into two parts. (An hon. Member: Is it Rasagulla?) No, it is not Rasagulla, but Rushikulya and it means the canal dug by a Rishi. So far as Chatrapur division is concerned, the total population is 187,000, of which the Oriyas form 139,500 and the Telugus only 38,000. So, applying the same test of the Raja Sahib of Bobbili, the whole of Chatrapur also should go into the new province. Then the Rushikulya river should not be taken as the boundary. The Ichchapur taluk comprises three estates, namely, Surangi, Jalantra and the main block of Chukati Estate and in these estates the total population is 80,000, of which the Oriyas form 50,000 and the Telugus only 23,000 in all the three estates. Therefore, the Committee has thought it right to include these three estates in the new province.

"Then, we have got the Sompeta taluk which consists of two parts. These two parts do not include the Government area that is administered by the Deputy Tahsildar of Sompeta subject to the control of the Tahsildar of Berhampur only so far as the Government area is concerned. The estates are Jalantra, Mandasa, Budarsingi a portion of Chikati Estate and Baruva. These are the areas comprised in the A and B areas. In the A portion Oriyas predominate and in the B portion the Telugus predominate and therefore, the A portion at all events should have been included in the new province. From a look at the map, it will be seen that Surangi and Bodokimedi are contiguous. The Budarsingi Estate is a small estate adjoining the Parlakimedi Estate and it is quite possible that the Sompeta A does not include merely the Budarsingi Estate but also certain portions of the Jalantra and Mandasa Estates. It is not possible to say what it comprises, but there is the Oriya belt and that Oriya belt at all events ought to be transferred to the new province. In the report they give no reasons why this should not go to the new province, even though the Oriya population there is 75 per cent of the whole population.

"In the Berhampur taluk, the Oriya population alone is about 54 per cent, whereas the Telugu population is only 43 per cent. Of

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course, some people are shown under other languages. They are people who speak some corrupt form of Oriya; probably they were the aborigines, that is, the Khonds who have cast off their language and taken Oriya as their language. Again, in the Ichchapur taluk, the percentage of the Oriya population is 65 and of the Telugus 32.

"If we go to the Chicacole division in the Parlakimedi taluk, there are the Narasannapet sub-taluk and Tekkali sub-taluk. Now, Mandasa may not be taken into consideration as it will introduce complications, because from the 1st of July Ichchapur taluk has been abolished and the estate portion of Ichchapur taluk has been transferred to the Sompet taluk and Mandasa has to go into the Chicacole sub-division. In that case, the whole of Sompet can be claimed for the new province on the basis of population. Now, Chicacole consists of Chicacole, Tekkali and Parlakimedi taluks. Parlakimedi consists of the estate of Parlakimedi and the village of Hiramandalam belonging to the Raja of Vizianagram and also the Parlakimedi Malliyas. So far as the Hiramandalam village is concerned, that should be excluded and there is no reason why that should go into the new province. Then we have got the estate of Parlakimedi and the Parlakimedi Malliyas. So far as the Malliyas are concerned, out of a total population of 69,000, the Oriyas are 15,000, the Telugus 1,000 and the rest are aboriginal tribes and all these aboriginal tribes have adopted Oriya as their language. They have been taught in the Oriya language for a very long time, and they are connected with Parlakimedi. It was only in the year 1802 when the Parlakimedi Estate came under Permanent Settlement, this portion was taken away from the permanently settled estate. When the Agency tracts were held by certain Zamindars on feudal service tenure, such Sanad was not granted to the Raja of Parlakimedi though it was for nearly a century treated as part of the zamindari and large sums of the zamindari were spent by the Court of Wards on the improvement of the Parlakimedi Malliyas. On the Raja instituting a suit in the Court of the Agent, the matter went up to the High Court and the High Court decided against the Raja and ultimately it went up to the Privy Council who confirmed the decision of the High Court. So, the Raja lost the Agency tract Malliyas. The suit ended only in 1904 and the decision of the Privy Council is reported in the I.L.R.

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"All these I have said to show that the Parlakimedi Malliyas are historically connected with the Parlakimedi estate from a very long time. In the Parlakimedi estate as many as seven thousand Oriyas are shown as speaking Telugu. For this the Government is to be blamed to some extent. For, for a very long time, the Oriya tongue was not recognized as the Court language. The Court language was Telugu only. It was only in 1890 the Oriya language was recognized as the Court language. And this was done by G.O. No. 2024, Judicial, dated 16th December 1890, for the first time. The reason for this is not far to seek. The Parlakimedi Estate was under the Court of Wards from the beginning of the 19th century until 1890, and then again from 1905 till 1913. The estate is a small tract of land and so the

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people of the locality themselves were appointed to act as Court of wards, until in 1930 the Government considered that for efficient administration the people from the south should be appointed to manage the estate. And so these people from the south were taken as managers, and they naturally took with them their language and also some of their men. In this way they introduced the Telugu language in that part. Even then they found it necessary to have an Oriya Sarishtadar in addition to a Telugu Sarishtadar during the transition period. This was about 1850, and till 1890 Telugu continued to be the Court language, so much so, the grandson of an Oriya poet had to study Telugu to be appointed karnam of his village to the neglect of his mother tongue. It was in this way that we lost our Oriya tongue. Hence you see in the statistics that while there are 67,000 Oriyas on the basis of race test, there are 60,000 people speaking Oriya. And this is accounted for by the fact that a great number of Oriyas had to learn Telugu. After the establishment of the Parlakimedi College Oriya is taught there along with Telugu. But for that, the Oriyas of Parlakimedi would have completely lost the Oriya tongue. Under these circumstances, if there is a small percentage of Telugus over and above the number of Oriyas in that place, that should not go against the claim of the Oriyas. As I have said before, that is why I say in these Agency Tracts and in the Parlakimedi Estate the Malliyas should be taken as Oriya tracts. If that is done, you will find the Oriyas predominating in population. The aboriginal tribes should be taken as Oriyas only, for they are speaking Oriya language and Government are also teaching them that tongue only. The Savaras have got their kith and kin in Orissa; and therefore it is but proper and just that all the aboriginal tribes should be treated as Oriyas.

"There are other reasons also for my contention. Now who are the people who constitute the so-called Telugu population of Parlakimedi? They mainly consist of Kappus and Kalingis. They were the original inhabitants of the Ganjam district, known as Kalinga, the people who inhabited the Kalinga country, which consisted of the whole of the modern Ganjam district, the whole of Orissa and a portion of Vizagapatam. Hence we see people calling themselves Oriya Kappus and Oriya Kalingas. These people also inhabit the Berhampur taluk, Ichhapur, Sompet and Tekkali; and so I submit these tracts should go to the new province.

"There is another reason which ought to weigh with the Government. For the administration of the Agency tracts some non-agency area is always required. Balliguda is administered from the headquarters at Russelkonda and Parlakimedi town is the headquarters directly connected with the administration of Parlakimedi Malliyas. It is not possible for the officers to reside in the Agency areas which are generally unhealthy. Therefore, Parlakimedi town, which is at the foot of the Agency tract should serve as a basis of administration.

"Besides that, Parlakimedi Malliyas adjoin also a portion of the Jeypore Estate on its northern side; the railway line now connects

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Gumapur with Parlakimedi, and naturally the officers would wish to go by that route to Gumapur. Gumapur taluk touches also a portion of the Parlakimedi Estate and also a portion of the Balliguda division. For all these reasons I submit Government should not go against the recommendation of the Committee to include Parlakimedi in the new province.

"Now the prejudice of several people against the inclusion of Parlakimedi was created, so to speak, by the remarks of the majority of the members of the Committee. They have given grounds too personal to the Raja; and that has prejudiced several people in regard to inclusion of Parlakimedi in the new province. But what they simply meant was that the Raja was impartial. He has opened a college for both Telugus and Oriyas. He has started girls' schools, one for Oriyas and the other for Telugus. He has built choultries where Telugu Brahmans are fed; he has erected temples where Oriyas are fed; and I submit that these institutions should not be lost to the new province. Probably this is what the majority of the Committee mean; but the way in which that is put is revolting to several people, and hence I think many people are against the inclusion of Parlakimedi in the new province rather than on the merits of the case.

"Further it is clear from the map supplied that a certain portion of Parlakimedi is thickly populated by Oriyas, while the northern portion and the southern portion are peopled by Telugus. If you want to have the whole thing, as it were, weighed in golden scales, you can cut up Parlakimedi Estate into two, one where the Oriyas predominate and the other where the Telugus predominate.

"Well, I think in a matter like this, where the Oriya and the Telugu ryots of the Parlakimedi Estate have been connected with Parlakimedi for centuries, as was stated by Sir A. P. Patro, who has been associated with Oriya zamins and ryots for a very long time, there is no reason why simply because a small percentage of Telugus reside in the estate it should be cut up into two. I think the best thing to do under the circumstances is to go into the merits of the case rather than be blinded by the observations of the majority of the Committee. One reason given by the Chairman of the Committee is a large number of Telugus, who gave evidence, were in favour of going over to the new province. But it is suggested they had been coerced to do so, since they were the ryots of the zamindar. Naturally the presumption is one of undue influence. Hence it is argued that the evidence of those people should not be considered to possess any value. I grant such a presumption; then what is it that we ought to do? Have we to proceed only on presumption? Certainly not. Of course, they are Telugus by birth.

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"They won't naturally agree to the transfer of this portion to Orissa. Of course there is some force in that. But taking into consideration the class to which these people belong and the treatment which they get from the Raja the presumption of the Chairman is not correct. For a correct appreciation of the evidence the House should have

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the depositions given by the people. Unfortunately they are not available and the presumption after all is very weak. Those people have been connected with the Raja for a very long time. They pay very little rent. They get special advantages from the Raja. There is no need absolutely why they should think of going into the Andhra country and splitting up the Parlakimedi Estate into two.

" Now I shall deal with the Jeypore Agency. So far as the Agency of Jeypore is concerned it forms part of the Agency division constituted in 1920 by Government and it consists of six subdivisions: (1) the Khond subdivision consisting of Balliguda, G. Udayagiri and R. Udayagiri taluks; (2) the Savara subdivision consisting of Gunupur, Rayaghada and Bissamkatak taluks; (3) the Oriya subdivision with Koraput, Jeypore, Nowrangapur and Malkanagiri taluks; (4) the Ghats subdivision consisting of Pottanghi and Padwa taluks; (5) the Rampa subdivision consisting of Polavaram, Yellavaram, Chodavaram and Gudem taluks; (6) the Koya subdivision with Bhadrachalam and Nugur taluks. The last two subdivisions we do not want. That is not given to us. Those portions have been taken away altogether. The other four subdivisions have a preponderance of the Oriya population. The other two subdivisions are inhabited by Telugus or people under Telugu influence. At Waltair witnesses were examined and the Andhras did not put up any opposition at all. It will not be proper for me to give the names. Only a few witnesses were examined. Prabala Lakshmi Narasimham Pantulu who is the lawyer to the estates of Bobbili and Vizianagram as well as to Jeypore was also examined. So far as Jeypore was concerned the opposition of the late Maharaja has now disappeared. One stock argument advanced by the Government of Madras as well as the Andhras is that the river Godavari has certain tributaries flowing through Jeypore Estate and if the Jeypore Estate is transferred to Orissa the people of the Jeypore Estate will cut away all the trees by which the tributary passes so that the Godavari district will be cut off from the supply of water from the tributary. Of course this is an extraordinary argument invented by somebody and passed on by Government even to Parliament. This argument is a very extraordinary one. In the first instance no one will think of cutting down valuable forests of timber. Supposing that country is very fertile and can be converted into wet fields, it would have been so converted long ago. So the ordinary presumption is that that tract cannot be converted into wet fields. Nobody will be a fool to go and cut all the trees just to spite the ryots of the Godavari delta. Another thing is supposing the present owner wants to cut down forests. I wish to know if there is any law by which he could be prevented from doing so. If any law can be passed, it can be passed there also. Moreover Godavari takes its rise in Bombay Presidency and certain tributaries of it are in Jeypore Estate and the Nizam's dominions. If that is so, there is no fear of those people interfering with the supply of water. Moreover this tributary does not take its rise from Jeypore. It takes its rise in Kalahandi State which is in Orissa. You will see from a reference to the map of the Vizagapatam

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district that there are two horns of the Jeypore Estate and from the middle of it the tributary takes its source in the Kalahandi State. Therefore it is not at all a valid ground."

* The hon. the PRESIDENT:—"I wish the hon. Member finishes soon because there are other hon. Members of the Council who are anxious to speak upon the subject."

* Sriman M. G. PATNAIK Mahasayo:—"So far as finance is concerned, it has been shown that there is a deficit of 34 or 35 lakhs. The Council has to see how this is caused. In the first instance the Madras Government stands to gain by the transfer of the Agency tracts a sum of about 18 lakhs. Really I do not understand what is meant by the portion of the resolution of the Raja of Bobbili which related to finance. Why should any contribution be required from the Madras Government by either the new Orissa Government or by the Government of India? If the Government of India ask for any contribution, that is a matter between the Government of India and the Local Government. Here we find the Madras Government gains Rs. 17,84,000. The Bihar Government gains Rs. 3,16,000 because there are certain deficit areas like Khond Mahals. So these backward areas contribute to a deficit of 21 lakhs. What is the position of these backward areas if autonomous Government is given to the provinces? That is a question which has been discussed in the Simon Report. They say that no Council would pay any attention to the development of these backward areas, because they will neither have the willingness nor the means to pay such attention. In that case they propose that the whole of the deficit for the administration of these backward areas should come from the Central Government. If that is so, there is absolutely no reason why the Government of India, if they think that it is absolutely necessary that the Orissa Province should be formed and that these backward areas should go into it so that all those backward areas which are homogenous may be under one administration, should not contribute the whole of the 21 lakhs? At pages 109—112 of the Simon Report, Volume II, you find the matter discussed. If that is so the deficit against this province will be considerably reduced. I do not see why the Andhras should oppose the transfer of these parts to Orissa. They are aware of the Report of the Simon Commission and they want subsequently to take advantage of the arrangements that will prevail for the administration of the backward areas and for their own purpose. I do not think that the aboriginal tribes would be benefited if they are either placed under the Madras Government or the Andhra Province. That of course is one item.

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"The second item I would refer to is a sum of Rs. 8 lakhs, which is now paid by the Bihar Government to the Government of India as interest on account of what is known as the interest on the Orissa canal. That canal seems to have been constructed long ago, and the interest that has to be paid on the cost of its construction comes to Rs. 8 lakhs. The canal is of no use to the people. The Government

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gets no return from it, not even the charges of maintaining it, not to speak of the interest to be paid. All the same the amount is claimed by the Government of India. On this matter the Bihar Government applied to the Government of India for remission of the interest, and this they did on two occasions saying that the payment of interest was a great hardship. The Government of India do not seem to be entirely unfavourable towards this question. On page 61 of the Report, in paragraph 46, the matter is referred to thus:

'The Orissa Canals combining irrigation and navigation were designed and partly constructed by the East India Irrigation and Canal Company who entered into a contract with the Secretary of State in 1862, and surrendered it in 1868, while the works were still incomplete, on payment by the Government of India of the sum of £1,192,000. The works were completed from funds supplied by the Government of India at a total capital cost of Rs. 271.87 lakhs the interest charges on which now amount to Rs. 8.50 lakhs a year. The revenue from Irrigation and Navigation has never been sufficient to contribute anything towards the payment of interest charges and generally barely sufficient to cover the working expenses.

'The liability for the payment of the interest charges has fallen upon the Local Government since 1921-22, the year of Devolution, and when submitting a memorandum to the Statutory Commission in the year 1929, the Bihar and Orissa Government represented that this charge constituted a hardship from which it asked to be relieved. When submitting a copy of the report of the Orissa Flood Committee of 1928 they renewed this request and drew attention to the inability of the Local Government to give effect to the more expensive recommendations of the committee.'

'Thus, for some sin of somebody, the new province has to pay away Rs. 8½ lakhs a year. When the Government of India entered into a contract for the construction of certain works which proved to be quite useless to the people of the district, I think the Government of India would not be justified in demanding a sum of Rs. 8 lakhs a year for ever from the people of the district. This sum of Rs. 8½ lakhs ought to go from the demand against the new province. This matter was also brought to the notice of the Government of India, and in the Legislative Assembly the question came up on the 13th of March 1931, and with regard to that it was said that this question will be very sympathetically considered by the Finance Member. It was practically admitted to be a hardship and therefore the people ought to be relieved of this burden of payment of Rs. 8½ lakhs.

'Then, we have got another sum of Rs. 2 lakhs the payment of which should also go. This is an item of interest payment with regard to certain irrigation works constructed in Ganjam. A canal was constructed long ago from Ganjam village to Gopalpur town. It is of no use, it is in ruins and it is not kept in repair. All the same on the money spent thereon, interest has to be paid. Probably the Local Government is paying the interest now. That interest is sought to be charged on the revenues of the new province. Then there is the Rushikulya project. Our contention is that so far as this project is concerned it is a protective work and not a remunerative work. There were famines in Ganjam, and to relieve the people from the hardships

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of the famines, that protective work was constructed, and therefore no interest should be charged upon the capital spent for the construction of the Rushikulya project. If we get a remission of this sum of two lakhs also, the whole of the remissions would come to Rs. 21 lakhs plus these 10½ lakhs, or Rs. 31.50 lakhs, which will wipe off the deficit shown in the committee's report.

"There are several other points to be mentioned, but it is not possible for me to go into all those details. I shall refer only to certain major matters. Most of us here know the Saw Mill scheme in Russelkonda. The Government incurred very heavy loss in connexion with that scheme, and the whole loss the committee wants to debit to the new province. Is it right that for some blunder committed by the Government of Madras and sanctioned by the local Legislature, the whole burden of the loss should fall upon the portion of the Ganjam district proposed to be taken away? The scheme was not intended to benefit the people of the Ganjam district, which was chosen to be the place where the scheme was started. It was not at the request of the people that the work was undertaken. It was only a commercial project, so to speak, taken up by the Local Government. Such being the case, there is absolutely no reason why this loss should fall upon the Oriyas and upon the new province.

"Several of the hon. Members here say that the new province does not seem to be solvent, and therefore the whole scheme would fail. The new province is not at all insolvent as I showed it would not be a bankrupt province. It can pay its way as was held by the Simon Commission. Only we were not given an opportunity of scrutinizing the figures given by the committee. The Oriyas were not at all heard by the committee on the matter. Moreover, these figures do not take into consideration retrenchments made in every province. They took the figures as they were before the retrenchment.

"The next question is, so far as the Agency tracts are concerned, will it be beneficial to the Agency people to remain in Madras or rather in the new Andhradesa when that province is constituted, or to go into Orissa? One of the arguments advanced is that the Madras Government spends Rs. 4 per capita on Agency, whereas the Bihar and Orissa Government spends not even half that amount. Well, it may be a fact that the Madras Government spend so much. But, does every pie spent by the Madras Government go to the benefit of the Agency people? That is the question we have to consider. So far as the Agency is concerned, they want to open up the country and the roads are kept in order, so that motor buses and motor lorries can take away the Agency people to the Assam tea plantations. Is that benefiting the Agency people if large sums of money are spent on roads to carry away the people to work as coolies in the Assam plantations, while their own country, the Agency, is not developed by the money? In spite of the fact that the Agencies are sparsely populated, large

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numbers of people are being taken away from the Agency by emigration agencies which are working in the Agency. All the money is thus spent on road and not a single pie in opening an agricultural school or industrial school for the benefit of the poor people in the Agency. Thus the money spent by the Madras Government has not practically benefited the Agency people. If that is so, I think it is no argument to say that the Madras Government is spending Rs. 4 per head in the Agency. It is doing much good not to the Agency people but to other people. On the other hand, we have got the Agency tract in Orissa. Unfortunately, the records of evidence are not available to me. The Rev. Mr. Evans, a Missionary gentleman, who is acquainted both with the Ganjam Agency as well as the Orissa Agency has stated that the people in the Khond Mahals are better cared for than the people in the Madras Agency tracts. That was his evidence before the committee. Not only that. What do we find from the Statement of Objects and Reasons to the Madras Act I of 1917, which was enacted by the Madras Government on the Orissa model? The special officer appointed by the Madras Government had to go to the Khond Mahals and see what the officers were doing there and that fact you find here.

“The following extracts from the Statement of Objects and Reasons may also be carefully noticed:— 2-45 p.m.

‘This Act (Act I of 1917) is based on the unrepealed laws, Regulation III of 1917. The gradual dispossession of the people of the Ganjam Agency of their cultivable lands by Oriyas and others for some years past, attracted the attention of the local Revenue officers, practically all of whom had agreed that special measures were necessary to protect them against further dispossession. In September 1914, the Governor in Council appointed a special officer to make a comprehensive examination of the agrarian and economic conditions of these people. The officer was instructed to visit the Ganjam Agency and make himself acquainted with the circumstances of the Khonds and details of the processes by which they had been gradually losing possession of the lands, to consult the local officers and obtain their views as to the advisability of devising means to check this dispossession . . . and submit definite proposals to Government. The special officer also visited the Khond Mahals in Orissa and recommended that Regulation III of 1917 should be adopted in the Presidency for preventing further alienation of lands by the Khonds.’

“Therefore, we see sometimes Madras has to take its lessons from the Orissa Government in regard to the administration of the Agency tracts. Some measures have to be adopted and some officers have to be appointed to administer the tracts, and would it be more convenient to administer them from Madras than from a different province? Certainly not. Therefore it is well that all these Agency tracts are placed under one administration.

“With regard to finance, the Government started an Agency scheme with a view to develop the Agency, but practically nothing could be done, and the scheme had to be abandoned. But the Government gained one advantage, and that was, when the Meston Committee sat, the Government represented before them that they would be spending some large sums for the development of the Agency, and therefore they got more favourable terms under the Meston

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award. The provincial contribution was altogether remitted. Though large sums of money have not been spent the Government could say that large sums have to be spent. Another argument is that fituris break out in those parts. I may say that the fituri tracts will always be retained by the Madras Government, the Rampa and the Koya Agency in which Sitarama Raju lived will not be taken into Orissa. Therefore, a large Police force need not be maintained by the Orissa Government. The people are aboriginal tribes and are very very mild and are not so troublesome as the Koyas and the Rampas."

Mr. BASHEER AHMED SAYEED:—"Sir, I move—

'that the words commencing from "and the transfer" and ending with "in the majority" in the amendment given notice of by the Raja of Bobbili, be omitted.'

"Sir, the amendment given notice of by the Raja of Bobbili includes not only the territories lying to the south of the Rushikulya river, its tributary Godahado river, and the Mohini hills, but it is also against the transfer of any areas in which the aboriginal tribes are in a majority. I wish the words 'and the transfer of any areas. . . are in the majority' be omitted from the amendment, in order to enable the Orissa Province to include within its scope, the aborigines, namely, the Khonds and the Savaras who are in a majority in the now existing Andhra districts. I can understand the mover of the amendment saying that territories in which the Telugu-speaking people are in a majority should not be transferred to the new Province of Orissa; I can also understand saying that wherever the Oriyas are in a hopeless minority, these people need not be transferred to the new Province of Orissa. But the scope of the amendment now before the House goes far beyond that. In one breath it says that the Agency tracts in which it is admitted on all hands the Oriyas are in a majority from the point of view of language and race should not be transferred simply because the Agency tracts are backward and require development. I do not think this Government, when the question of redistribution arises, should be greatly concerned whether in any tract of country there is development or no development. When the Agency tracts are transferred, as they are bound to be transferred to the new province, it will be the look out of the new Government of Orissa to develop them in the way it is possible for them to do so. I do not see why there should be such great concern over the undeveloped areas. We have not been able to develop them for the last several years in spite of several crores budgeted for and in spite of large sums of money having been spent over them. So it stands to reason that this Government should transfer the responsibility of developing these backward areas to the new Government of Orissa. The upshot of their argument is that, although in these territories the Oriya-speaking people—the Khonds and the Savaras—are in a majority, they do not want the Agency tracts to be transferred to Orissa on the ground that they are backward and the Orissa Government will not be able to develop them. It is

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something like saying 'heads I win, tails you lose'. For the transference of one part of the territory they apply one set of arguments, for the non-transference of another part of territory they apply another set of arguments. I do not see much consistency in the arguments put forward by those gentlemen who are supporting the non-transference of these territories. Hon. Members of this House are aware that the Khonds and the Savaras are divided in the now existing Province of Orissa as well as in the Province of Madras; the minor portion are in Orissa and the major portion in Madras. What was sought by the Orissa Committee to be done was that the larger number of people in Madras should be transferred to Orissa, so that the whole of Khonds and Savaras might constitute themselves into one single people. That is the idea underlying the recommendation of the Orissa Committee Report. Now that idea is sought to be defeated by the amendment proposed by the Raja of Bobbili. I do not think that that is a fair way of dealing with the question. Nearly $3\frac{1}{2}$ lakhs of Khonds and 2 lakhs of Savaras living in the Madras Presidency are speaking only Oriya and are acknowledged to be people of the Oriya culture. If these people are not to be transferred I do not see any reason why they should be retained in a province or territory which is going to be purely Telugu-speaking, after the transference of the districts which my Friend, the Raja of Bobbili, wants to be transferred. What will be the justification for retaining the Khonds and the Savaras and dividing them into sections, on no other ground but that this province should not lose a certain portion of its population or a certain portion of its territory. On the other hand, for the last three decades, the attempt has been to bring into one group all the people talking the same language, the Telugus to form into one Telugu province, and the Oriyas to form into one province. And the ideal is also looked forward to when the Tamils would form into one province, the Malayalees into another and so on. I am reminded by my Friend that Kerala will also claim to be a unit by itself. That is the modern tendency. If the amendment of the hon. the Raja of Bobbili be analysed and scrutinized, it would appear that the object of the whole agitation that has been going on for so many years for a separate Oriya Province would be defeated. I do not think that is just and fair to those people. The Khond and Savara children are taught Oriya in their schools; in tracts where these people are in a majority, the court language is Oriya; and the officers serving in those parts are also compulsorily required to pass the Oriya test. That being the case, I do not think the Government will for a moment be justified in accepting the proposal of the Raja of Bobbili. It is quite hard and unreasonable that one set of people who have common ties should be divided in two different provinces. The Orissa Province is reputed to be looking after these people much better than Madras. The argument has been advanced and not contradicted that the Orissa Government have developed their Agency tracts much better than the Madras Government have done theirs. Therefore there is no justification whatever for thinking that the new Government will not be able to develop the

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Agency tracts and that the Khonds and Savaras should remain where they are.

"Now there is the financial aspect to be considered. It is necessary that the sister provinces should go to the rescue of the new province that is to be created, for some time to come. The latter portion of the amendment is not well conceived, and it may mean that the other provinces should not give any subvention to this new province, even though this province may require such help urgently.

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"No doubt, Sir, separation there is but it does not matter when it is made in the interests of development of the system of administration, development of culture, of race and language. The latter portion of the Raja of Bobbili's amendment is unreasonable. I hope he will accept the amendment moved by me. I also hope that the hon. Member coming from Ganjam will also accept the amendment that I am moving. With these few words I move my amendment which runs as follows:—

'Omit all the words commencing from "and the transfer" and ending with "in the majority" in the amendment given notice of by the Raja of Bobbili.'

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

* The hon. the PRESIDENT:—"The motion before the House is—
'Omit all the words commencing from "and the transfer" and ending with "in the majority" in the amendment given notice of by the Raja of Bobbili.'

"Now the two amendments are for the discussion of the House."

* Mr. K. KOTI REDDI:—"Sir, after the speech of my hon. Friend Mr. M. G. Patnaik who has a close acquaintance with the conditions of Ganjam district, I wish that a representative of that district like my hon. Friend Sir Patro had spoken but instead of that, that he should have already taken the attitude of neither agreeing nor disagreeing with the position of my hon. Friend Mr. Patnaik because he is a Member of the Consultative Committee is not understandable. God only knows whether and when it will sit and when its decisions will be taken. It means that on account of his being a member of that Committee, Sir Patro is not in a position to commit himself to one view or another. Some of us who do not belong to those parts are trying our best to see if we can make out something out of these various 'blocks' and the number of divisions into which these districts have been divided. There are some general considerations which I believe may guide us in coming to a decision on the various points that we have to decide. So far as the question of the formation of an Oriya Province is concerned, personally I am not very much troubled by the question of the financial deficit that the Oriya Province is likely to get into. I believe that if from the point of view of the development of race, culture and so on the Oriya Province has to be formed, the question of finance ought to be a subsidiary consideration. It may not be possible to have the same standards of pay that are now being paid to the

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officers but it may not be impossible for the Oriyas to make both ends meet, if not to carry on the administration efficiently. If a province is to be formed, it is likely that there may be a large deficit in the beginning, but on that ground we ought not to be deterred from giving our support to the formation of a new province. The question of the formation of a new Oriya province on a linguistic and racial basis has been definitely settled. Simply because the general question of forming provinces on linguistic basis has not been taken up by the Statutory Commission, we should not be against the formation of an Oriya province. But the question of finance is of very great importance when we have to consider the position of certain areas which are neither predominantly Telugu nor predominantly Oriya. It has to be considered whether the Madras Province is in a better position to develop those districts or the Oriya province is in a better position to do so. There does not seem to be much controversy on one point, viz., that wherever there is a predominantly Oriya population, that portion ought to be taken to the Oriya Province and wherever there is a predominantly Telugu population, that area ought to be retained in the Madras Presidency.

"With regard to certain areas which are neither predominantly Telugu nor Oriya, there seems to be a good deal of controversy and I do not know whether I shall be able to help to come to any definite conclusions on that point. I would like to deal with the district of Ganjam first and I shall begin with the plains first. In this connexion I would like to point out that the question of dividing the portions of any area into two or three blocks and of demarcating them so that the predominantly Telugu area may be retained in the present Madras Presidency and the Oriya area may be given to the Orissa Province should not stand in our way of giving our assent to the formation of any new province. This question assumes more importance when we are dealing with Berhampur taluk. Supposing the Telugus are in a majority in a particular area but they are not so if you take the whole taluk, and if you want to divide that whole area into particular divisions according to racial composition and culture, the fact that it would involve cutting up revenue divisions and firkas ought not to stand in our way. Let us take the taluk of Chatrapur at page 22 of the report. Section A is predominantly Oriya and the Telugu-speaking population is in a minority. So I think that it is but right that A section should be given over to the Oriya Province. But with regard to B section where the Telugu population is in a majority, i.e., of about 16,000 as against 10,000 it is only right and just that that portion should be retained in the Madras Presidency.

"With regard to the Berhampur taluk, that seems to be a very controversial question, because of the composition of the Telugus as against the Oriyas. It seems to me that the difference between the Oriyas and the Telugus for the whole taluk is so small that if for any other reasons it is very desirable to have the whole taluk together, I think we ought not to stand in their way of being kept together but

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considerations of race and language ought to be mainly taken into account in deciding these questions. Berhampur can easily be divided into two blocks A and B. With regard to A the Telugu population is not in a majority. With regard to B it is in a very great majority. But when we take the whole of the population into account, the difference between the Oriya population and the Telugu population is very small. The taluk may be retained in the Madras Presidency. But since you can easily divide it into two as A and B, A can go into the Orissa Province and B ought to be retained in the Madras Presidency.

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“With regard to Ichchapur, the committee has taken it as one unit. It consists of three estates. Two of them contain predominantly Oriya population and the third—Chikkati estate—consists predominantly of Telugu population. This information I have collected from the Census Report. There is absolutely no reason why the whole of the Ichchapur taluk should go to the Oriya Province as recommended by the committee. The Chikkati estate contains a predominantly Telugu population and it adjoins the B block in the Berhampur taluk which is predominantly Telugu. So, Berhampur and the Chikkati estate in the Ichchapur taluk should be retained in the Madras Presidency. The whole of Sompeta is recommended by the committee to be retained in the Madras Presidency, but if we follow the same principle, it could be divided up into two blocks and the predominantly Oriya part might be transferred to the new Oriya Province.

“The Chicacole division contains three taluks. I cannot understand how Parlakimedi can be claimed by an Oriya province as recommended by the committee. Judging by the race to which the people belong, out of a population of about 293,000 more than 156,000 are Telugus. Judging by the mother-tongue of the people again, more than 193,000 speak Telugu. Coming to the subsidiary languages spoken in the estate we find that whereas only 7,000 and odd speak Oriya as a subsidiary language more than 45,000 people speak Telugu. So on linguistic grounds no less than on racial grounds, it passes one's comprehension how Parlakimedi can be made a part of an Oriya province, unless it formed an island as it were, surrounded on all sides by Oriya country which is not the case. It is claimed that it once formed part of an Orissa province. I am not much acquainted with ancient history but I believe that Ganjam never formed part of an Orissa province. It is not that the Andhras migrated into Ganjam; it is rather that some Oriya kings conquered that part of Andhradesa and settled there for some time. The boundaries also—lake Chilka on one side, the vast chain of mountains on the west—clearly show that Ganjam could not have formed part of an Orissa province. Also you will find that while portions of Orissa were ruled by Muhammadan kings from the north and from Bengal, Ganjam was ruled by the Nawab of Hyderabad directly or indirectly along with portions of Northern Circars. Therefore historical and geographical evidence conclusively shows that Ganjam could not ordinarily have formed part of

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an Oriya province. If in certain parts of Ganjam there are more Oriyas than Telugus, it is due to the colonisation of the former in the time of the Oriya kings who ruled portions of Andhradesa. Unless people who want to take portions of Ganjam to the new province are able to show definite reasons for doing so, I do not see why the Parlakimedi zamindari should go to the Oriya Province. The reasons adduced in the report are in the nature of a special pleading for the Raja of Parlakimedi and are not in any way convincing. Factors of language and race must have far greater weight than the personal wishes of the individual zamindars. With due deference to my zamindar colleagues in this Council, I must observe that their opinions on this question ought not to be given more weight than what is due to those of individual members. The zamindars come and go. One zamindar may be in favour of amalgamation with Madras and another in favour of the Oriya Province. But the abiding and permanent factors are those of race and language. Take the case of the Jeypore Agency. It was well known that the previous Maharaja was opposed to going into an Oriya province while the present Maharaja may be in favour of it, although he has expressed very grave doubts about the financial possibility and utility of going into the new province. There cannot be any case for the Parlakimedi taluk which is 70 to 80 per cent Telugu going into the Oriya Province.

“With regard to the Agency, I am afraid my friend Mr. Basheer Ahmed has gone on the wrong track. I do not know where he got the information that the aboriginal tribes are Oriyas. The aboriginal tribes are neither Andhras nor Oriyas; it has been difficult to make them learn either Telugu or Oriya in spite of several attempts made by this Government. The 1921 Census Report, Volume XIII, page 136, paragraph 1, says: ‘In so far as the Agency is concerned there is very little evidence of the aboriginal languages being ousted by the more civilized tongues.’ The best thing to do with these aboriginal tribes is not to make them either Oriyas or Telugus, but teach them their own language, create a script for it, and develop their own culture. When they are sufficiently advanced it might be left to them to decide whether they would go into the Oriya Province or remain in the Madras Presidency. It is just possible that as the Telugus want a Telugu province and the Oriyas an Oriya province, the aboriginal tribes who inhabit two or three districts might like to have a province of their own. If they develop the mountainous areas occupied by them that will be a source of revenue for them. Till that moment arrives, unless they express a definite desire to go into one or other province, unless you believe you will be doing them good by taking them to one province as against another, I do not see any reason why they should be transferred from the Madras Presidency. The case of Madras is different. The aboriginal tribes have been in the Madras Presidency for centuries. The Government of Madras have been spending large sums of money in developing that portion of the country and improving their culture. The Oriyas have to make out a case for taking away

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these aboriginal tribes from the Madras Presidency. On the other hand, if the tribes had been in the Oriya Province, the Andhras would have no claim to take them into an Andhra Province.

“With regard to the Vizagapatam agency, only 43 per cent are Oriyas and even that excluding Gudem and Golkonda where Telugus predominate. So long as the Oriyas are not in a majority of the whole population in any area they should not claim that portion unless, as I said, it forms an island surrounded by the Oriya tracts. Of course in one or two portions of the Vizagapatam agency such as Nowrangpur and Jeypore taluks the Oriyas predominate and I am prepared to give them up if there is no other difficulty. But the two taluks in that area cannot be given up because the Jeypore zamindari has to be divided and if the whole zamindari is taken together, it will be found that the Oriyas are not in a majority. There is no reason why the Jeypore agency should be claimed by the Oriya Province. With regard to the Vizagapatam agency, the sub-committee of the Simon Commission had recommended its retention in the Madras Presidency. It is said that the Andhras are not very keen to have the Vizagapatam agency because it will mean a heavy liability on them. It is not so. We have already incurred a heavy liability—I mean the Madras Presidency including the Andhra portions in it—and the Andhra Province of the future will certainly be prepared to incur that heavy liability in future if necessary. The Andhra Mahajana Sabha have also submitted that they are very keen about having the Vizagapatam agency. Therefore their claim to the Vizagapatam agency should not be turned down on the ground that they are not keen on having it. Representatives of the Andhra districts in this Council are prepared to say that notwithstanding the heavy liabilities that may fall on the shoulders of a future Andhra Province, they are prepared to take the Vizagapatam agency in the Andhra Province. It is for this Council and the Government to say whether after the expenditure of such large sums of money by them, the fate of the aboriginal tribes who cannot speak for themselves should be entrusted to the new Oriya Province.

“It is definitely admitted by the committee at page 25 that the Khonds and the Savaras have no opinion; they cannot form any opinion. The test for us to judge is whether their development will be secured early and better if they are in the Madras Presidency or in the Orissa Province. It is that test that we have to apply in considering whether the Jeypore agency or the Vizagapatam agency should go with the Orissa Province or not.”

At this stage the House adjourned for lunch.

After Lunch (2-30 p.m.)

* Mr. K. KOTI REDDI:—“Sir, my hon. Friend, Mr. Patnaik, wanted me to give the Census figures with regard to the Chikati zamindari. When I was speaking of Ichapur, I said that it consists

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of three zamindari estates of which Chikati is mainly Telugu. I was not able to quote the Census figures. But in the Report itself on page 24 it is admitted that Chikati zamindari is mainly Telugu. I do not think my hon. Friend can say anything against that fact.

“ With regard to the Savaras and the Khonds, there seems to be an impression that, because these aboriginal tribes are in the two Provinces of Orissa and Madras, it would be in the interests of both of them to be brought together. Even if they belonged to one and the same race, the long separation has made them practically two different communities altogether. For example in Orissa most of these aboriginal tribes have no other language than Oriya; whereas in the Madras Presidency very few of them have been able to take up to Oriya or Telugu language. They speak their own aboriginal language and have not taken to other languages. Unless it is established that the Oriyas are in a majority in any particular area, they ought not to claim the aboriginal tribes for the purpose of taking up any area. Until the time comes when they can definitely express their opinion, when they are sufficiently developed to exercise the option of remaining in Madras or going to Orissa, or of having a Province of their own, I do not see any reason why they should not be retained in the Madras Presidency itself which has already spent much money and which can spend more money in future than the Orissa Province. The Andhras have as much claim over them as the Oriyas. We have the additional advantage of having lived with them, of having spent a lot of money for them and of being in a position to spend some more money.

“ My hon. Friend, Mr. Patnaik, said that, since the Government of India is going to spend from its own revenues on the less developed tracts, it is just as well that these tracts are given up to the Orissa Province. I am afraid, Sir, that the Government of India is not likely to spend any more money on the undeveloped tracts; I think that the future autonomous Provinces should spend their own money, and that the Government of India would not come to their help. When there is a Province which is prepared to spend any money, why should anybody else be anxious to have these areas? The fact that the Madras Government has spent so much money, clearly shows that it is interested in these people; and it will take the same interest in the future also; and it has the capacity and ability to do so. I hope that this House will seriously consider the question of handing over large tracts of the country where the Oriyas do not predominate and where the aboriginal tribes live.”

* MR. V. T. ARASU:—“ Mr. President, Sir, from the discussion that we have so far had, it appears to me that there is a consensus of opinion regarding two points. The first point on which there appears to be agreement is that there need not be any objection to the formation of the new Orissa Province. The second point on which there is agreement, is that this Province, viz., the Madras Presidency,

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should not be called upon to pay any subsidy whatever, either directly or indirectly, to the new Orissa Province. With regard to these two points, there is entire agreement both on the part of the Andhras and of the Oriyas.

“The only point on which there is difference of opinion—and I may add a fundamental difference of opinion—is as regards the boundary line, as to where the boundary line between the two Provinces should be drawn. This Council which is only a deliberative body is, I think, not fitted to declare one way or the other as to where the boundary line should be drawn. For the purpose of finding out where the line should be drawn, no doubt the Government of India in consultation with His Majesty's Government, have appointed the O'Donnell Committee. It appears from the views expressed on the floor of this House and elsewhere that the Report of that Committee is not satisfactory to either party; because the Oriyas think that the boundary line that has been suggested by the Committee is not satisfactory and that it should be drawn lower down in the Ganjam District, and from the view point of the Andhras the boundary line has been drawn far too low and it must be drawn somewhat higher in the Ganjam district. Therefore it is very clear that the Report of the Committee is not satisfactory to either party. For my own part I think that so much of time need not have been wasted over this question. Having once conceded that the new Orissa Province may be constituted it is futile on our part to discuss whether particular portions of the Ganjam and Vizagapatam districts should or should not be included in the new Province.

“The ground on which hon. Members representing the Andhra districts in this Council have objected to the inclusion of Parlakimedi and Berhampore taluks, is that the majority of the population there speak the Telugu language. Even taking it for granted that the Telugus are predominant in those two taluks, Berhampore and Parlakimedi, I fail to understand what objection there can be to their being handed over to the new Orissa Province. From the speech of the hon. Member, the Raja of Bobbili, and from the proceedings of the Andhra Maha Sabha which was held only the other day, I gather that they have two reasons for not conceding this point, viz., the transference of Berhampore and Parlakimedi to the new Orissa Province. There seems to be a fear lurking in the minds of the Andhra leaders that the Andhras being in a minority there is a possibility of their being ill-treated in the new Province. Their second fear is that they (the Andhras in Orissa) would be cut asunder from their cultural moorings. I have always had very great regard for the Andhra leaders for their nationalist outlook. But, Sir, I am afraid I will have to revise my opinion of them if they cannot rise above the petty feeling that they are Andhras and that the others are Oriyas, and think they are all citizens of a united India. That they are Andhras and therefore should not get into the Orissa Province is a thing which cannot be understood.

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"The first fear expressed by hon. Members representing the Andhra districts is, as I said, that there is the possibility of the Andhras being ill-treated there. I ask what foundation is there for such an apprehension. The Oriyas who have been with us in the Province, are in a small minority. I ask whether we ill-treated them simply because they constitute a small minority. We have not. When that is so, why should we presume that the Andhras in Orissa are likely to be ill-treated both politically and socially by the Oriyas, who will undoubtedly be in a majority in the new Province? The apprehension is absolutely unfounded. I may assure hon. Members representing the Andhra districts that they need not entertain any such apprehension and that they may rest assured that the Oriyas will not ill-treat the Andhras that may happen to live in the Orissa Province. It therefore appears to me that their apprehensions are ill-founded. Even taking it for granted that the boundary line is drawn a little higher, as suggested by the Raja of Bobbili, it must be admitted on all hands that there are bound to be a certain number of places even above that boundary line, inhabited by Telugu people. When you are prepared to hand over the Andhras inhabiting that part of the territory to the hands of the Oriyas, what objection have you to hand over a slightly larger population to the new Orissa Province? If the Oriyas are bent upon ill-treating the Andhras they can do so more easily when the Andhra population is much smaller than what it would be if the boundary line is drawn lower down.

"The second fear lurking in the minds of the Andhras is that the Andhras in the new Province would be cut off from their cultural moorings. As is well-known, and as is also admitted in the O'Donnell Committee's Report, that portion of the Ganjam district which is proposed to be transferred to the Orissa Province is well connected with Andhradesa by means of roads and rail roads. Therefore it is quite easy for the Andhras residing in areas to be transferred to the new Province to come into contact with Andhradesa, and in no circumstances can be cut off from their brethren in the Madras Presidency. Besides, as was pointed out by the hon. the Revenue Member in introducing this motion, the new Orissa Province will have to look up to Patna on the one hand and Vizagapatam on the other for its University, and it would not be possible for that Province to start a new University of its own for years to come. That being so, there is absolutely no justification whatever for the Andhras to think that their Andhra brethren of the Orissa Province will be cut off from their cultural moorings. The good roads and railroads which connect the Ganjam district with the Vizagapatam district would facilitate easy communication between the two. Therefore, there is no basis for this apprehension either. The hon. Members representing the Andhra districts may also be assured that the new Orissa Province is not going to put up a Chinese wall along its boundary. It will not be possible for them to put up a Chinese wall and so cut the Andhras within their boundaries from coming into contact with those in the Madras Presidency, for they will have no money to put up such a wall. For these

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reasons, Sir, I feel that the question of drawing a boundary line is not after all a vital matter. It can be adjusted, if necessary—if the hon. Members representing the Andhra districts feel so strongly about it—by forming a small committee of such impartial gentlemen as our esteemed Friend the hon. Sir Patro and two or three others. And this Committee can be empowered to decide as to where the boundary line should be drawn. It is quite easy; and so, why on this small minor point as to where the boundary line should be drawn, so much of words and time should be wasted, I cannot understand.

“Coming now to the amendment moved by the Raja of Bobbili, I think the House would do well to reject that amendment *in toto*. As was pointed out by the hon. Member for Malabar, Mr. Raman Menon, it is an omnibus amendment. It contains more than two or three ideas, and therefore I think the House would do well to vote it down. In the first part the amendment points out where the boundary line should be drawn. In the second portion, it points out that the agency tract should be excluded, and later on it states that the Madras Presidency should not be called upon to contribute any sum whatever, either directly or indirectly, to this newly constituted Province. With the last, we are all in agreement, and I think this House as a body will vote for that; but as regards the other parts of the amendment, as I said, those are not vital matters, and therefore may be dropped. I would request you, Sir, to give a ruling as to whether this amendment, which as I pointed out, is an omnibus amendment, can be allowed, as it is, to be put to the vote of the House. I request you, Sir, to direct the hon. the Mover of this amendment to split it into two or three parts and then to put each part separately to the vote of the House.”

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“Mr. President, Sir, my only excuse for getting up to speak on this question is that I believe I am not a partisan. I am neither Andhra nor Oriya, and therefore while I do not expect hon. Members to agree completely with the conclusions that I have come to, I still believe that I have tried honestly to form my own opinions, which I shall presently give expression to.

“There are two questions that we have got to decide. Firstly, whether the Oriya Province should be formed at all, and if so, whether it should be formed immediately. Next, Sir, in forming this Orissa Province, taking it for granted that one is going to be formed, what should be the boundary line. On the first question, I have given notice of an amendment which I hope will come later on. So, I shall now omit that point altogether and consider the question of boundaries alone. In trying to fix this boundary, I cannot say I have been quite logical; because in this case absolute logic is impossible. We are dealing in this case with the border line between Andhra and Oriya; and things are thoroughly mixed. If you, for instance, formulate a proposition that all areas where Oriyas predominate should go to the Orissa Province and all areas where theoretically the Andhras

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predominate should go to the Andhra Province, I think you will get no possible line at all. That line might zigzag about, and you will possibly have little enclaves of Andhras in the Oriya country and little enclaves of Oriyas in the Andhra country. So, it is necessary, to arrive at a decision, that we should fix some arbitrary line. The Raja of Bobbili in his amendment has suggested that the boundary should be the Rushikulya river and the Godohalo river. Personally, I think it should be put somewhat lower. I would, for instance, keep the whole of the Berhampur taluk in the Andhra country, although as I said, in making that suggestion. I might not be considered to be quite logical. There is the question of the predominance of Andhras or Oriyas. Owing to the difficulty and the nicety involved in trying to fix upon an impossible line which will include in one or other area populations which are predominantly Andhra or Oriya, I think we have got no other go but to adopt some arbitrary line. I think fixing the boundary along the Rushikulya and the Godohalo would be flagrantly unfair to the Oriyas. I think it would be better, therefore, to fix it a little lower down. For these reasons, although I may not be able to justify it completely on logical grounds, I have thought it convenient to follow the boundary of the Berhampur taluk. In doing so, you will find that I exclude practically all the predominant Oriya agencies. My Friend, Mr. Patnaick, referred to Chinnakimedi and Peddakimedi and other Oriya estates, also Sergada, etc. They will all completely come under the Oriya portion. But in following the line of the Berhampur taluk, I would put Suranghi and Jarada in the Oriya portion, and I would put Cheekati in the Telugu portion. There is absolutely no doubt that we should put the Parlakimedi area in the Andhra country. In fact, one of the serious mistakes that was made by the Orissa Committee was the recommendation that Parlakimedi should come under Oriya. Those of us who did not intend speaking on this motion have been prejudiced very much in favour of Andhra and against Oriya by this flagrant recommendation of the majority of that Committee, that this predominantly Andhra area should be transferred to the Oriya country. I have so far followed up the suggested boundary right up to the Vizagapatam agency.

"Then, Sir, there is only the question of the Jeypore zamindari. There is a good deal of justification for claiming that at least a portion of the Jeypore zamindari should go to the new Oriya Province. There are many considerations which seem to weigh with those who, I beg to be excused for saying, might be trying to take a partisan attitude. At the same time there are many other considerations which those who have no particular interest in dividing the territory one way or the other ought to take into account. When these considerations are taken into account, we will probably be led to the conclusion that the balance of convenience in what I may call doubtful areas, would be to retain them as they are. The considerations that have weighed with me are somewhat as follow: Firstly, the Vizagapatam agency cannot stand by itself. It must be connected with the plains and at present not only are there roads, but all transactions

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connected with the Agency are with the Vizagapatam plains; and unless there is any proposal to transfer the Vizagapatam plains as well to the Oriya country—which will be a preposterous proposal—I think the balance of convenience is in favour of retaining the existing state of things. Besides these, Sir, there are also other considerations. The communications at least at present, all lead one way—they lead down to the Vizagapatam plains. Moreover, in the case of the Agency, this area forms the headwaters of some of the major rivers in the two districts. Speaking only of the main rivers, we have got the Langulya, the Vamsadhara, the Sarada and the Varaha. These are the major rivers, omitting the Rushikulya river. These rivers have, for their headwaters the Agency area of Jeypore. My friend Mr. Patnaick also referred to the Indhravati and the Yeleru, tributaries of the Godavari. Now, Sir, it may be argued—and argued I think very legitimately—that the administrative area into which the irrigation under these rivers come must have, if possible, also control over the headwaters which are in this Agency. There certainly would be a greater chance of co-ordination of policy between the various departments of Government if the whole of this area was under one administration; but things would be very different if the headwaters were under one administration and the irrigation area which lie in the plains was under another. Besides, although if you merely count the Andhra and the Oriya population omitting the aboriginal population, the Oriyas certainly do predominate, at all events in the two northern taluks of the Jeypore zamindari (the Jeypore and the Nowrangpur taluks), yet, if I were asked to vote, I would vote in favour of keeping this area undivided, keeping it as it is, as part of the Vizagapatam district.

“There is only one other point, Sir, that I wish to refer to before I close: and that is the question which the Orissa Committee has referred to—about the division of the area under the Rushikulya system. Whatever you do, you cannot avoid this division; and merely to avoid this division, I think it will be most illogical to tack on to the Orissa Province areas which for other reasons ought to be with the Andhras. If the irrigation under the Rushikulya system was to be divided into two parts on account of our fixing the line of division as I suggested, I do not see any very serious inconvenience. For instance, I can quote numerous cases of irrigation systems which traverse territories of various and different administrations in Northern India—so many big canals going through the States of Indian Princes on to the British territory and again to Native States and so forth. It is a very common feature in Northern India, and the latest example is the Sukkur Barrage where the irrigation area—at least part of it—is under two administrations, not only the Bombay administration but the administration of Baluchistan, a lakh of acres in the latter being irrigated by the Sukkur Barrage.

“I do not think that it would be a matter of impossibility to arrange methods by which even though this area is divided the interests of the agriculturists in the lower area will be adequately safeguarded. I need

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not proceed to detail the methods by which this can be done. So, Sir, although I do not claim absolute logic for the boundary line that I have proposed, still considering the balance of convenience, considering the fact that you cannot avoid inconveniences when enunciating new principles when you try to lay down boundary lines and considering the fact that where you have any doubt the benefit of doubt should lead one to leave the existing arrangements undisturbed, I think that the boundary line that I have suggested would possibly, on the whole, give greater satisfaction than the one that was suggested by the hon. the Raja of Bobbili."

* Mr. A. V. BHANOJI RAO:—"Mr. President, Sir, after having listened to the debate on this resolution for the last two days, I do not wish to repeat the various arguments that have been put forward by hon. Members, but I think the whole thing can be narrowed down to one or two points. The first point is, we ought to know whether there should be a separate province for Orissa or not. As for that, the Telugus of the Vizagapatam and Ganjam districts never said that the Oriyas should not have a separate province for themselves. On the other hand, the Telugus of both the Ganjam and Vizagapatam districts are agreed that there should be a separate province for the Oriyas.

"The next question is, how far the new province should be extended. The Telugus of the Vizagapatam and Ganjam Agency say that where the Telugus are predominant they should not be taken away to the Oriya Province and where the Oriyas are predominant they should not be included in the Vizagapatam and Ganjam areas. That is the point at issue. In the amendment of the Raja of Bobbili the matter is clarified and it satisfies both the parties. It means that the Oriyas can have a province for themselves and the Telugus should keep themselves to the Madras Province where they are in a majority. My hon. Friend, Mr. Patnaik, stated that the Telugus want to swallow the Oriyas. I may assure him that he is too tough to swallow. On the other hand, the Telugus' idea is not to swallow the Oriyas but to give them, as far as possible, all facilities for forming their own province. In forming a province for themselves, Mr. President, they should consider the financial aspect involved in it. If they are going to have a province, are they going to run the province with a deficit of 34 lakhs growing up to 40 lakhs as the years go on? If our friends are satisfied to run the province with a deficit, it is between themselves and the Government of India and we have nothing to do with them. And the Madras Government has nothing to do with it, because the Madras Government will not subscribe a pie for the new province. But, at the same time, I want to request hon. Members representing Ganjam and those representing the Oriyas in this Council to consider whether it would be wise to have a province of their own and run it with a deficit of 30 to 40 lakhs every year. It is all very well for every people to have a province for themselves, but at the same time, for the improvement of that province, they will have to consider the most essential thing, finance. If you have enough finance, certainly you can go ahead and I will be the first person to support Mr. Patnaik. I leave hon. Members to consider the desirability of having a province under these circumstances.

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"Then, Sir, the hon. Mr. Patnaik said that the Oriyas were the original inhabitants of Ganjam. I emphatically deny that statement. On this question, I wish to place before the House some historical facts. Before I go into the historical question I have to say a word about the Vizagapatam Agency. The hon. Member, Mr. Patnaik, claims that he has a right to include the Vizagapatam Agency in the new Orissa province. I do not think hon. Members are justified in doing so, because I know these Oriyas, just as the Telugus went into the Oriya tracts, they also went there as settlers, but the majority of the population in these tracts are Khonds and Savaras who are aboriginal tribes, but not Oriyas or Telugus. So, they cannot, at any moment claim that simply because they migrated to those tracts, that country belongs to them. Though the Telugus have got at least some reason to claim, they won't claim the Agency for themselves. On the ground of finance and also on account of the improvement of the agency and the people that occupy that area, it is but right that they should continue to be in the Madras province. As a matter of fact, I know that the Madras Government have been spending about 17 lakhs for the improvement of the agency, whereas they get in return only about 8 lakhs. Why are they spending this large amount on these agency tracts? That money is not spent for the improvement of the Oriyas or the Telugus, but for the improvement of the aboriginal tribes of that particular area. So, with a deficit of about 34 lakhs, is it possible, I ask Mr. Patnaik, to say: leave the province to us and we will improve it? Is it possible, I ask my hon. Friend Mr. Patnaik, to get anything from the new province for the agency by tacking it on to the Oriya province. For these reasons, I think the House will have to consider, taking the financial aspect of the new province, whether those people will be in a position to improve the agency areas, when they themselves have to go to Patna for one thing, to Calcutta for another and to Madras for a third. I think my hon. Friend, Mr. Patnaik, will be well-advised to stick to the area beyond the Rushikulya river. If they are able to work the proposed province successfully and without deficit, and if they sufficiently improve themselves, then of course they can think of improving or adding the Agency to the newly formed Orissa province.

"Again, coming to the point raised by my hon. Friend, Mr. Patnaik, that the Telugus were not the sons of the soil of Ganjam, for that I have got some historical evidence to show to the House that he is not correct in saying that. It is as follows:

'Evidence of history based on inscriptions shows that the Telugus had been in possession of Ganjam for several centuries before the Oriyas entered it from the north. The Rajah of Parlakimedi is the lineal descendant of the ancient Ganga rajas who until Ananthavarma Choda Ganga conquered Orissa in about 1130 A.D. had been, for several generations, rulers of the Telugu country including Ganjam and none of them knew or probably heard a syllable of Oriya. Their capital was at Mokhaligram which is about 20 miles to the south of Parlakimedi and which is still included in the Parlakimedi zamindari. The inscriptions of the Ganga kings are all either exclusively in Sanskrit or partly in Sanskrit and partly in Telugu or exclusively in Telugu. There is not even one inscription in Oriya anywhere in the district.

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'Ananthavarma Choda Ganga who conquered Orissa took with him a large army consisting exclusively of Telugus and when he shifted his capital, from Mokhalingam to Cuttack, he naturally relied, for support in a foreign country, upon his Telugu soldiers and Telugu officers and servants. In the Cuttack kaifiyat, the names of the officers, Civil and Military, of the Ganga kings of Orissa are noted and they were all Telugus as their names indicate clearly. Like the first two Georges of England who were ignorant of English, Ananthavarma and his sons were ignorant of Oriya but their descendants gradually adopted Oriya as their mother tongue. From 1130 A.D. to 1330 A.D. (i.e.) from the time of Choda Ganga's conquest of Orissa until the time of Veera Narasimha, the tenth king of Choda Ganga, the inscriptions in Ganjam are all, as before, either exclusively in Sanskrit or partly in Sanskrit and partly in Telugu or exclusively in Telugu and none of them is in Oriya, despite the fact that the Ganga kings at Orissa were becoming Oriyaised. There is sufficient evidence to show that these kings were recruiting Telugu soldiers and officers from Ganjam.'

'All the above facts show that though Choda Ganga conquered Orissa and came to Ganjam by adopting the Oriya language, they conveniently converted themselves into Oriyas, and, my hon. Friend cannot claim that all these people are Oriyas and that the original people of Ganjam were Oriyas. I may point out to my hon. Friend, Mr. Patnaik that they came to Ganjam as settlers but they are original settlers. It is the Brahmans who were attracted to Ganjam by the inducement of the grant of lands. So, these Oriyas came from the north-west along with the kings and gradually settled themselves. The Telugus are really the sons of the soil of Ganjam according to the inscriptions that are found there even to this day. Therefore the Oriyas cannot claim a predominantly Telugu part to be tacked on to the Orissa province.

'The next point that I want to mention is whether it will not be good to arrive at a settlement on these things by means of the amendment that is proposed to-day. It will satisfy both the peoples. At the same time, I would like to point out to Mr. Patnaik, that as soon as the Oriyas begin to stand on their legs, or even before, they will have some other communities from Southern India or from the Andhradesa, or from the north to settle. What will be their position? Their position will be as bad as it is now. There is always chance of anything happening in a new province and you will find people migrating from one place to another unless and until a law is enacted as in South Africa restricting their rights.

'Under these circumstances, I strongly support the amendment proposed by Raja of Bobbili.'

3-15
p.m.

* Mr. R. M. PALAT:—'Mr. President, Sir, I wish to put forward before this House another aspect of the question which so far has not been raised. When this new province is constituted it will be found that it will affect not only the people between whom there is this dispute and who reside there like the Oriyas and the Telugus, but also the Kanarese and the Malayalis and similar other minority communities in this Presidency. If a few of those who are dissatisfied with this province separate and form other provinces, then the remaining minorities will find themselves more completely at the mercy of the majority. (Laughter.) From that point of view I would say that everybody who wishes to be separated should be allowed to do so. Either every linguistic

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group should be allowed to separate or none. Because there may come, at no far distant time, a day when we may have to consider the separation of the Andhras and we the Malayalis who inhabit one district, *against* about 16 Tamil districts, may be left alone to face a huge Tamil majority. The defection of each minority makes the position of other minority communities weaker. So, if this province is to be allowed to separate, it should be considered as an admission that other similar groups have also similar rights and that a Kerala province might be constituted.

"Now, coming to the formation of the Orissa province, so far as that is considered on its merits, I do not think that we need object to it on the ground that it would be a bankrupt State. It would be only one more bankrupt province in India among many other bankrupt provinces. I believe the Government of Madras itself is now working with a deficit budget and almost every Government in India is to-day bankrupt in that sense. It is a matter for the Oriyas alone. If they wish to run a bankrupt province, let them. If they wish to take on the Agency tracts which are now worked at a deficit, it will to that extent relieve us. I would welcome it.

"Then as regards the question of minorities and majorities, the Telugus and the Oriyas being mixed up, all that I might suggest to Government is to adopt the system adopted by the victorious nations in the Great War in forming the new countries, i.e., a referendum may be taken in places which are under dispute. For this purpose one or more revenue taluks may be grouped together or split and the referendum taken. There is nothing final or sacred in the formation of the present taluks as such that we should take them as a whole. They may be split or grouped together according to exigencies and the lie of the country. In trying to settle a fair boundary between these provinces, we are not setting a dispute between the Madras Presidency and Orissa, but between Orissa and Andhradesa. We are contributing to the harmony which should exist between two Indian provinces in neither of which are we directly interested. We, who are the inhabitants of neither, are interested, as Indians, to see fair play.

"With reference to the Parlakimedi Estate, I believe it is mentioned in the Report that the people are very loyal to their Raja and that they are willing to go over to the Orissa province with the Raja who is an Oriya. But it is also a well known fact that these tenantry could be influenced by the land owners to give evidence in their favour. And so we all know what weight we should attach to their evidence. A better method to adopt, in my opinion, is to split the zamindari area into two parts, one where the Oriyas are predominant in number and the other where the Telugus are predominant, tacking the former to the new province and the latter to the Andhra tract. Any inconvenience caused to the Raja would be negligible as against the good will between the two races which would be secured. This is really not a dispute between the rest of the Presidency, so to say, and the Oriyas. It is only the separation of the Oriyas to ensure better relations between the Oriyas and the Andhras, and so we may simply recommend to the Government of India this arrangement. We need not go beyond that.

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"Another point raised was that the head waters of certain rivers are in the tracts proposed to be transferred to the new province while the lands irrigated by them are in the Andhra area. After all, Sir, the Agency tracts are wild areas irrigated by rivers. With regard to that, I would cite the example of Mysore. The head waters of the Cauveri are in Mysore. Would that justify the annexation of Mysore? We know the matter is being settled by arbitration. The same thing may be done here. In this case the matter is comparatively simple, as the parties to the dispute are only two British provinces and not a Native State and a British province as in the case of the Cauveri. The Government of India could arbitrate as has been mentioned in the Report.

"Then with regard to the argument of the backward classes being left to be governed by a backward Oriya Government, I submit that is an argument which may with equal justification be used against granting self-government to India itself and the House fully knows the hollowness of that contention. I am told that the opposition to the inclusion in the new province of the Jeypore zamindari is because the lawyers in the Telugu areas live on work from there. I do not know how far that is true. Perhaps my Oriya and Andhra friends may be able to throw light on it."

* Mr. M. A. MUTHIAH CHETTIYAR:—"I beg to move—
'that the question be now put'."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

* The hon. the PRESIDENT:—"The question is—
'that the question be now put'."

The motion was put to vote and declared lost. Mr. M. A. Muthiah Chettiyar demanded a poll and the House divided thus:—

Ayes.

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| 1. The hon. Diwan Bahadur S. Kumaraswami Reddiyar. | 19. The Zamindar of Mirzapuram. |
| 2. The hon. Mr. P. T. Rajan. | 20. Mr. M. A. Muthiah Chettiyar. |
| 3. The hon. Diwan Bahadur B. Muniswami Nayudu. | 21. " A. V. Bhanoji Rao. |
| 4. Mr. R. Madanagopal Nayudu. | 22. " Daniel Thomas. |
| 5. " T. Sundara Rao Nayudu. | 23. Swami A. S. Sahajanandam. |
| 6. Khan Sahib Syed Tajuddin Sahib Bahadur. | 24. Pandit Ganala Ramamurti. |
| 7. Mr. V. M. Ramaswami Mudaliyar. | 25. Rao Sahib P. Subrahmanyam Chetti. |
| 8. " K. P. Raman Menon. | 26. The Zamindar of Kirlampudi. |
| 9. " M. B. Rangaswami Reddi. | 27. Mr. A. Harischandrudu Nayudu. |
| 10. " M. Devadasan. | 28. " K. Kesava Ramamurti Nayudu. |
| 11. Rao Sahib N. Siva Raj. | 29. Mahboob Ali Baig Sahib Bahadur. |
| 12. Mr. M. S. Sreshta. | 30. Rai Sahib C. Kolanda Reddi. |
| 13. " C. Indriah. | 31. Mr. J. Kuppuswami Choudari. |
| 14. " P. Bayappa Reddi. | 32. " C. Satyanarayana Choudari. |
| 15. " P. K. Ramachandra Padayachi. | 33. " C. Basu Dev. |
| 16. Rao Sahib V. Dharmalingam Pillai. | 34. Diwan Bahadur S. Ellappa Chettiyar. |
| 17. The Raja of Bobbili. | 35. Rao Sahib D. Krishnamurti. |
| 18. The Kumara Raja of Venkatagiri. | 36. Mr. G. Sriramulu. |
| | 37. " W. P. A. Soundara Pandian. |
| | 38. " G. Lakshmana Reddi. |

Noes.

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| 1. Dr. P. Subbarayan. | 3. Rao Bahadur T. A. Ramalingam Chettiyar. |
| 2. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 4. Mr. Sami Venkatachalam Chetti. |

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Noes—cont.

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| 5. Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 13. Ahmed Miran Sahib Bahadur. |
| 6. Mr. T. S. Ramaswami Ayyar. | 14. Mr. K. A. Nachiyappa Gounder. |
| 7. Rao Bahadur T. M. Narayanaswami Pillai. | 15. The Pattagar of Palayakottai. |
| 8. Mr. V. P. Narayanan Nambiyar. | 16. Mr. U. C. Subrahmanya Bhatt. |
| 9. " M. A. Manikkavelu Nayakar. | 17. Mr. A. Ranganatha Mudaliyar. |
| 10. " G. Simbachalam Pantulu. | 18. " V. T. Arasu. |
| 11. Abdul Hameed Khan Sahib Bahadur. | 19. Rao Sahib V. I. Muniswami Pillai. |
| 12. Basheer Ahmed Sayeed Sahib Bahadur. | 20. Rao Bahadur R. Srinivasan. |
| | 21. S. M. K. Beyabani Sahib Bahadur. |
| | 22. Mr. C. Krishnan. |

Neutral.

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| 1. The hon. Khan Bahadur Sir Mahmomed Usman Sahib Bahadur. | 12. Mr. B. P. Sessa Reddi. |
| 2. The hon. Diwan Bahadur Sir M. Krishnan Nayyar. | 13. " P. V. Rajagopala Pillai. |
| 3. The hon. Sir Archibald Campbell. | 14. " R. M. Palat. |
| 4. The hon. Mr. H. G. Stokes. | 15. The Raja of Kallikote. |
| 5. Mr. C. E. Jones. | 16. Sriman M. G. Patnaik Mahasayo. |
| 6. " J. A. Thorne. | 17. Mr. A. Ranganatha Mudaliyar. |
| 7. " H. M. Hood. | 18. " K. Koti Reddi. |
| 8. " S. H. Slater. | 19. " C. R. Parthasarathi Ayyangar. |
| 9. " E. Conran Smith. | 20. " F. E. James. |
| 10. Subadar-Major S. A. Nanjappa Bahadur. | 21. Rao Bahadur Sir A. P. Patro. |
| 11. Diwan Bahadur M. Gopalaswami Mudaliyar. | 22. Mr. H. M. Jagannadham. |
| | 23. " P. Peddi Raju. |

Ayes 38. Noes 22. Neutral 23.

The motion was carried.

* The hon. the PRESIDENT:—"I will now put the amendment of Mr. Basheer Ahmed Sayeed to the vote of the House.

"The question is—

'to omit all the words commencing from "and the transfer" and ending with "in the majority" in the amendment given notice of by the Raja of Bobbili.'

The amendment was declared lost.

Sriman M. G. Patnaik Mahasayo demanded a poll and the House

3-30 p.m. divided thus:—

Ayes.

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| 1. Basheer Ahmed Sayeed Sahib Bahadur. | 2. Ahmed Miran Sahib Bahadur. |
| | 3. Mr. U. C. Subrahmanya Bhatt. |

Noes.

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| 1. The hon. Diwan Bahadur S. Kumaraswami Reddiyar. | 10. Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 2. The hon. Mr. P. T. Rajan. | 11. Mr. B. P. Sessa Reddi. |
| 3. The hon. Diwan Bahadur B. Muniswami Nayudu. | 12. " M. S. Sreshta. |
| 4. Mr. R. Madanagopal Nayudu. | 13. " C. Indriah. |
| 5. " T. Sundara Rao Nayudu. | 14. " P. Bayappa Reddi. |
| 6. Khan Sahib Syed Tajuddin Sahib Bahadur. | 15. " P. K. Ramachandra Padayachi. |
| 7. Mr. M. B. Rangaswami Reddi. | 16. The Raja of Bobbili. |
| 8. Rao Sahib N. Siva Raj. | 17. The Raja of Kallikote. |
| 9. Subadar-Major S. A. Nanjappa Bahadur. | 18. The Kumara Raja of Venkatagiri. |
| | 19. The Zamindar of Mirzapuram. |
| | 20. Mr. M. A. Muthiah Chettiyar. |
| | 21. " A. V. Bhanoji Rao. |

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Noes—cont.

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| 22. Mr. H. B. Ari Gowder. | 36. Mr. J. Kuppuswami Choudari. |
| 23. The Zamindar of Kirlampudi. | 37. „ P. Satyanarayana Choudari. |
| 24. Mr. D. V. Narasimhaswami. | 38. „ C. Basu Dev. |
| 25. „ A. Harischandrudu Nayudu. | 39. Diwan Bahadur S. Ellappa Chetti- |
| 26. „ K. Kesava Ramamurti Nayudu. | yar. |
| 27. Mahboob Ali Baig Sahib Bahadur. | 40. Rao Sahib D. Krishnamurti. |
| 28. Sriman M. G. Patnaik Mahasayo. | 41. Mr. G. Sriramulu. |
| 29. Rao Sahib P. Subrahmanyam Chetti. | 42. „ H. M. Jagannatham. |
| 30. Mr. Sami Venkatachalam Chetti. | 43. Rao Sahib V. I. Muniswami Pillai. |
| 31. „ G. Simhachalam Pantulu. | 44. Mr. W. P. A. Soundara Pandian. |
| 32. „ P. Peddi Raju. | 45. Rao Bahadur R. Srinivasan. |
| 33. „ A. Ranganatha Mudaliyar. | 46. Mr. G. Lakshmana Reddi. |
| 34. „ K. Koti Reddi. | 47. S. M. K. Beyabani Sahib Baha- |
| 35. Rai Sahib C. Kolanda Reddi. | dur. |

Neutral.

- | | |
|---|---|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 20. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 2. The hon. Diwan Bahadur Sir M. Krishnan Nayar. | 21. Rao Bahadur T. A. Ramalingam Chettiyar. |
| 3. The hon. Sir Archibald Campbell. | 22. Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 4. The hon. Mr. H. G. Stokes. | 23. Rao Bahadur T. M. Narayanaswami Pillai. |
| 5. Mrs. K. Alamelumangathayaramma. | 24. Mr. V. P. Narayanan Nambiyar. |
| 6. Mr. C. E. Jones. | 25. „ M. A. Manikkavelu Nayakar. |
| 7. „ J. A. Thorne. | 26. Abdul Hameed Khan Sahib Bahadur. |
| 8. „ H. M. Hood. | 27. Mr. K. A. Nachiyappa Gounder. |
| 9. „ S. H. Slater. | 28. The Pattagar of Palayakottai. |
| 10. „ E. Conran Smith. | 29. Mr. K. S. Sivasubrahmanya Ayyar. |
| 11. „ V. M. Ramaswami Mudaliyar. | 30. „ C. R. Parthasarathi Ayyangar. |
| 12. „ K. P. Raman Menon. | 31. „ F. E. James. |
| 13. „ M. Devadasan. | 32. Rao Bahadur Sir A. P. Patro. |
| 14. „ P. V. Rajagopala Pillai. | 33. Mr. V. T. Arasu. |
| 15. „ R. M. Palat. | 34. „ C. Krishnan. |
| 16. Rao Sahib V. Dharmalingam Pillai. | 35. „ T. S. Ramaswami Ayyar. |
| 17. Mr. Daniel Thomas. | |
| 18. Swami A. S. Sahajanandam. | |
| 19. Dr. P. Subbarayan. | |

Ayes 3. Noes 47. Neutral 35.

* The hon. the PRESIDENT:—"The question is—

‘Add the following at the end of the hon. the Revenue Member’s motion:—

“and on such consideration this Council strongly opposes and emphatically protests against the recommendations of the Orissa Committee in so far as it favours the transfer of any portion of the Vizagapatam district and of any portion of the Ganjam district south of the Rushikulya river, its tributary, Godahado river and the Mohini hills and the transfer of any areas in which aboriginal tribes are in the majority and this Council is further of opinion that this province should not be called upon to pay any subsidy either directly or indirectly on account of the transfer of any area from this province to the new Oriya province and urges upon this Government to convey this opinion to the Government of India with their own recommendations to the same effect ”.”

The amendment was carried.

[4th August 1932]

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—“ I beg to move, Sir,—

‘ that the formation of the proposed Orissa Province with the addition of parts from the Madras Presidency should lie over and should be decided by the new Federal Government when it is constituted.’

“ I have not got very much to say on this point and I will not take up more than a few minutes. My reason is this, that while theoretically many of us are agreed about the formation of this linguistic province the question is whether on the eve of the coming Reforms we should place the Federal Government of India that is to be in the awkward position of having to subsidize a number of deficit provinces. Apart from the question of the proposed Orissa Province there are other provinces proposed like Sind and the North-West Frontier Province which is already formed, etc., I wonder where this is going to stop now. Because once we accept the idea of the formation of these linguistic provinces and give effect to one, we cannot very well keep back and deny the other linguistic areas in this Presidency and elsewhere the right of cutting themselves aloof from the present moorings and forming new provinces. I would admit that the case of the new Orissa Province is stronger than that of the other linguistic areas in this Presidency and elsewhere because the Oriyas are now divided into three provinces and it is certainly desirable, as far as possible, that they should be placed under one Government. Still, Sir, I think it is a vital matter particularly when it has been proved that the proposed province cannot be self-supporting and to carry on it must either increase the existing taxation or depend upon subsidies from the Government of India. I think, Sir, it is absolutely necessary that in this transitional stage we should come to no decision that would embarrass the Government that is going to come. The new Federal Government or the Central Government will be faced with a number of difficulties. If the popular demands are going to be satisfied it would certainly not get increased revenues but may be forced to face a reduction of the existing revenues. Sir, the demand for prohibition if it is conceded by the Government that is to be would certainly result in considerable loss of revenue to all Provincial Governments and to the Central Government. Then, Sir, for instance, if the future Government is going to concede the insistent demand that the pitch of the present land revenue assessment should be brought down then revenue would be lost. The future Government will be anxious about finding out ways and means for balancing its budget and so forth. I think therefore Sir, it is very necessary that we should at this stage not add further embarrassment and difficulties to those which will have to be faced by the future Federal Government of India. I think, Sir, it will be a difficult question for any Government to propose further increase of taxation. The possibility of further increase of taxation in the future Orissa Province has been referred to. I think I am right in saying that no Minister will dare to take up new taxation. So that one may

4th August 1932] [Mr. R. N. Arogyaswami Mudaliyar]

take it for granted that for many years to come there will be no possibility of any increase of taxation. I have already referred to the question of subsidies from the Government of India. I do not think we are justified in dictating to the Government of India more or less by saying that we say that this province should be created and that the deficit should be made up by subsidies from the Government of India. I think for these reasons . . . ”

Sriman M. G. PATNAIK Mahasayo:—“The original motion was carried and therefore this amendment cannot be taken up now.”

Mr. SAMI VENKATACHALAM CHETTI:—“He was prompted by Mr. Basheer.”

Mr. BASHEER AHMED SAYEED:—“I protest against any such statement.”

* The hon. the PRESIDENT:—“I am glad that he has protested. I must inform the hon. Member from Ganjam that this is a separate amendment. I have already laid down the procedure in dealing with this particular subject, that the original motion should be voted upon first and later on amendments should be taken. The hon. Member would have known that if he had been attentive on that day when the consideration motion was passed and when the Raja of Bobbili's motion was taken up. That motion is over and we are going to the next amendment. I do not think there is anything wrong in the procedure that we are following.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“For the reasons I have stated I consider it is very inadvisable that we should at this stage recommend the formation of this Orissa Province.”

Dr. P. SUBBARAYAN:—“I second it.”

Mr. C. SATYANARAYANA CHOUDARI:—“The amendment moved by my hon. Friend is an amendment which ought to be considered very carefully if we are to be taken to be serious and practical in the business that we are transacting. My hon. Friend has suggested that in the new constitution the question of prohibition would be foremost and pressed very hard upon the attention of the Party-in-power with the result it may be that the Government may have to satisfy the public by doing something which might ultimately result in the reduction of revenue. Then another possibility of the revenue being reduced suggested by my hon. Friend is in the direction of the reduction of land revenue. There is no doubt, Sir, that the financial position of the Government of India as well as the position of the various provinces would be really embarrassing in the new constitution.

“The Percy Committee, that is the Federal Finance Committee, has reported, after going through the matter very carefully and thoroughly on this question, and the finding given by this Committee is that the finances of almost every province would be staggering under the new constitution and that almost every new province will have to start with a deficit, so that the question of the provinces being able to agree to contribute anything for the maintenance of the new provinces under the Reforms would have to be ruled out as altogether impossible.

3-45
p.m.

[Mr. C. Satyanarayana Choudari] [4th August 1932]

"Then, if we refer to the report of the Committee appointed to go into the question of the States finances, what is called the Davidson Committee, we find that as a result of the States entering the Federation the Government of India would be incurring an additional expenditure of about Rs. 4 crores. The liabilities which are being borne now by the States will have to be borne by the Government of India if the entrance of the States into the Federation should become a reality. Some of the tributes paid by the States to the coffers of the Government of India will have to be remitted, and some of the liabilities which are being borne by the States on matters military and otherwise will have to be borne by the Government of India out of their own revenues. The result seems to be, Sir, as arrived at by the Davidson Committee, that the Government of India will have to expect a deficit of Rs. 4 crores. Under these circumstances, it is only but safe and necessary that any question of the formation of a new province will have to be taken up under the new constitution in due time so that the Government of India as well as the provinces may know where exactly they stand with reference to their finances. With these words, I heartily support the amendment of my hon. Friend, Mr. Arogyaswami Mudaliyar."

* Mr. G. SIMHACHALAM PANTULU :—" Mr. President, Sir, here I stand in a very peculiar position. I do not belong to either of the two districts which are now under controversy. Firstly, both the districts have sufficiently and satisfactorily convinced the House by giving a mass of statistics. I do not want to reiterate all that and try to confuse the House all the more. There were two big gatherings, one presided over by Mr. V. Ramadas Pantulu in Ganjam, and another by Sir K. V. Reddi Nayudu at Bezwada. The presidential addresses and the addresses of the Reception Committee Chairmen have satisfactorily explained about the case of both the parties. Therefore I only bring to the notice of this House that we must view this question not as an Andhra or as an Oriya but as an Indian. If you view this question as an Indian, you must see whether the time is opportune for demanding the creation of a separate new province. You know, Sir, that our country is now passing through a critical stage politically, and there is the trade depression. Everywhere we find retrenchment. Especially after the finding of the Percy Committee, we realize the impossibility of pressing for a separate province at this juncture. Further, this matter has been hanging fire since 1903. Several Committees have been formed in the past to investigate into this question, and all the Committees were unanimously maintaining that it was impossible for them to reconcile the two opinions on the question. Sir, again this Boundary Committee, the O'Donnell Committee, was appointed at a time when all the leaders were away from their homes, locked up in jails in connexion with the Non-Co-operation Movement, so that disinterested opinion could not be secured. This is a time when the leaders of our country are very busy thinking out plans about the future of our country as a whole. We are expecting Reforms very early. I therefore appreciate the spirit with which Sir A. P. Patro rightly reserved his remarks. As a Round Tabler, he knows the actual situation, he knows when to ask for a separate

4th August 1932] [Mr. G. Simhachalam Pantulu]

province and when not. As an Andhra, I have no quarrel if the Oriyas are given a separate province. When are they to ask for it is the question. Is it time for them to ask for it now? Is it really consistent with the policy of the people or not? That point the Oriyas do not seem to have carefully considered. They seem to have misunderstood the Andhras when they say that a separate province need not be pressed for now. It is the Andhras that have been asking for a separate province for themselves from a very long time. How can they expect the Andhras to oppose a question of this kind? (Mr. Basheer Ahmed Sayeed: In effect it is so.) It is not so. There were two schemes already proposed, one the scheme proposed by the Congress and the other by the Andhra Maha Sabha. The scheme now proposed by the O'Donnell Committee seems to be not so workable. Now, one difficulty with this Committee seems to be, to my mind, that they have not considered all the aspects which they ought to have considered in creating a new province. The Andhra Maha Sabha propounded a scheme under which they have put $6\frac{1}{2}$ millions of people for this Oriya province. This also gives an indication of the fact that the transfer of so large a population as $2\frac{3}{4}$ millions from the Madras Presidency was not contemplated or conceived by the Andhra Maha Sabha. A province of 23,000 square miles and $6\frac{1}{2}$ millions of people will be two-and-a-half times the size of Belgium. Therefore even with the scheme framed by the Andhra Maha Sabha, there is no chance of success, and there is no denying it. The information now given by the O'Donnell Committee is very meagre and unsatisfactory. The papers now circulated by either party clearly show that each one contradicts the other. There are several points which the O'Donnell Committee did not care to solve, e.g., the financial difficulty and the divergence of opinion. They have not met satisfactorily the difficulty felt by the Civilian Officers who have had occasion to go into the question and expressed emphatically that it is not desirable to include these Agency tracts and also a portion of Ganjam in the Oriya province."

Mr. C. SATYANARAYANA CHOUDARI:—"Mr. President, this is a speech more relevant to the motion already carried than to this."

Mr. G. SIMHACHALAM PANTULU:—"I do not see how it is irrelevant here. I am sorry for the interruption of my hon. Friend. The O'Donnell Committee now admits that the objections raised by Ganjam and Vizagapatam are really serious objections. While admitting they are serious, it is regrettable that they have not solved these things. I therefore strongly and heartily support the amendment of Mr. Arogyaswami Mudaliyar, and say the time is not opportune for these people to fight out a question like this before this House at present."

Rai Sahib C. KOLANDA REDDI:—"Mr. President, Sir, I heartily support Mr. Arogyaswami Mudaliyar's amendment, although I could not hear him. I think his amendment amounts to this, that no part of the country should be constituted into a new province unless it is financially self-sufficient."

[4th August 1932]

* The hon. the PRESIDENT:—"Order, order. The amendment runs as follows:

'The formation of the proposed Orissa province with the addition of parts of the Madras Presidency should lie over and should be decided by the new Federal Government when it is constituted'."

* Rai Sahib C. KOLANDA REDDI:—"Roughly speaking, it means the same thing. (Laughter.) The constitution of this province is to lie over until the Federal Government is formed. Now, Sir, there is a saying in Telugu which means that for the marriage of a Sanyasi even the waistchord has to be borrowed. Now, with regard to the proposed new province of Orissa, even when the Telugu parts are added to it, it is financially deficient. There is to be something like an initial additional expenditure of about Rs. 50 lakhs and a recurring additional expenditure of about Rs. 25 lakhs. And to these the Agency tracts are to be added. Now, if the Khonds and the Savaras are left to the mercy of the Oriyas, you can fancy what their fate will be. The Madras Government is now spending about 15 lakhs of rupees for the amelioration of the condition of the aboriginal tribes, namely, the Khonds, the Savaras, etc. If the Khonds and the Savaras inhabiting the Agency tracts are handed over to the new Orissa province, it can be fancied what amelioration they can expect from the Oriyas in their poor financial condition. As it is, the province is insolvent before it is formed. Unless there is a subvention of about Rs. 40 or 50 lakhs a year from the Central Government, it cannot get on. Under these circumstances, I heartily support the amendment of Mr. Arogyaswami Mudaliyar."

Sriman M. G. PATNAIK Mahasayo:—"Mr. President, this question too has been discussed previously, and I do not know for what purpose this amendment is brought forward. Is it to discuss the same question again? Only it says that the question should lie over. That is what has been added to the main question. Anyhow, I bow to the ruling of the President, who has held it to be an independent question. Yet, I could not understand how it is an independent question. Therefore, I have to speak on this amendment."

* The hon. the PRESIDENT:—"Order, order. I am sorry that the hon. Member has not understood me properly. The previous amendment contained only three points, namely, the boundary question, the question of deficit and the question of the aboriginal tribes—whether they should be tacked on to the new province or kept in the old province. The present amendment deals with a separate point which is that the whole question of the formation of a new Oriya province with the addition of some portions of the Madras Presidency should lie over. I hope that the hon. Member will now see my point."

4 p.m. Sriman M. G. PATNAIK Mahasayo:—"Still my doubt is not cleared."

* The hon. the PRESIDENT:—"I am afraid I cannot convince the hon. Member."

4th August 1932]

* Sriman M. G. PATNAIK Mahasayo:—"I must bow to the ruling, though I do not understand it.

"The history of the Oriya movement should be considered. The Oriyas put forward a plea for the amalgamation of the Oriya-speaking tracts in the whole of India, under one province, so long ago as 1902, that is, long before the Telugus came to deal with such a problem. Originally they were under one administration, now they are cut up in four provinces, as the Report of this Committee will show. So long as the form of the Government was what might be called the Mabap or Patriarchal one, these Oriyas were not at very great disadvantage. After the Reforms, when the Government became more democratic, they felt that their interests suffered a good deal. In the democratic form of Government, the elected members would rather care for their individual districts than for the province as a whole; they will care for their own electorates or constituencies. The Montford Scheme also said that the Oriya question was a unique one and should have to be solved. The Simon Report also subscribed to that view. Therefore before the Federal Government comes into being the question has to be solved, so that the Oriyas may have a home of their own, which they have not got at present. It would be clear to the hon. Members that even in this debate the voice of the Oriyas has been very feeble, and nobody has cared to listen to their voice. That is one of the reasons why we want to have a province of our own as soon as possible, so that our voice may not be drowned in the legislatures where we are in such a hopeless minority.

"So far as the Telugus are concerned, they have already consolidated their position. They have got a university of their own, they have got a medical college of their own; practically the Andhra province is in a state of formation. Not only that; the Andhras are well represented here. Except on one occasion, the Andhras have been in the majority in the Ministry and they really rule the province and the legislature. Such being the case, even if an Andhra province is not formed, there is no difficulty for them. But our difficulty in the formation of a province is because our opponents are the Andhras who are so powerful in Madras. If the hon. Members would dispassionately consider the question they would reject the amendment.

"Moreover, why should the question of finance scare us. That is entirely in the discretion of the Government of India. So far as Madras is concerned, they do not contribute a single pie. So why should this legislature object to the formation of a new province when the Government of India has decided upon it? For these reasons the amendment ought to be rejected."

* Mr. K. KOTI REDDI:—"Mr. President, I oppose this amendment, and in doing so, I have to reiterate what I already said that this general question of the formation of provinces on linguistic basis should already have been taken up by the Statutory Commission. But it has not done so and it is left for the future to tackle that problem. But when there is need and necessity and a good deal has already been done towards the formation of a new province, why should we oppose it?

[Mr. K. Koti Reddi]

[4th August 1932]

Hon. Members who are in favour of the amendment seem to have been influenced by considerations of finance. For my part I am not worried about it. I believe the new autonomous Government, will certainly find means for running the Government. They will know how to cut their coat according to the cloth. Take Cochin, for example. It is a small area and its revenue is only about a crore. See how the Government is carried on there; and see what wonderful progress it has made in education. In Orissa, their income is more than that. Small areas in western countries of the size of a taluk or so, are autonomous and well-governed. They are not going to ask the Government of Madras for financial help. Moreover we can deal with it when the question actually comes up. As Mr. Patnaik said, the Oriyas are very much handicapped by being in a minority in each of the four provinces in which they live. As he observed, the position of the Andhras and the Tamilians is different. I feel there is urgent need for the formation of this province. The question of finance need not worry us now. So, I do not see why this question should wait till the formation of a Federal Government. I do not know when it is going to come. The formation of a new province can be done under the present constitution. I am really against putting it off indefinitely."

Mr. T. S. RAMASWAMI AYYAR:—"I am also constrained to oppose this amendment for this reason. The main question whether the Oriyas should have a province or not was considered by this House. We also considered the question of the boundary line that should separate this province from the Madras Presidency. So far as the financial commitments are concerned, that also formed part of the original resolution or amendment moved by the hon. the Raja of Bobbili, so that no question arises now whether the Madras Presidency would be asked to contribute towards the maintenance of that province. We have clearly stated in the original resolution that they should not be asked to make any contribution towards the cost of running the administration of that province. We have also admitted that that province should be formed. Having gone so far, I do not see any purpose in passing another resolution which certainly nullifies the little effect that our resolution would have in regard to the formation of the province of Utkal. I certainly sympathize with the attempts of my hon. Friend, Mr. Patnaik, to influence the House to give a larger bit of territory to this province. He has not been successful. But whatever it is, having allowed a certain territory to be carved out for the formation of a province and having also said that they should run their machinery and not ask us for contribution, wherein does the question come, how it is to be formed or when it is to be formed? It has been explained by the mover of the amendment that it is necessary that we should wait for the Federation to come into being. The question arises whether before the new constitution is framed those who are responsible for the formation of the new constitution should be warned that there is also another province coming into being. If they are not told so, they may give a constitution for India without taking into consideration the Utkal province that we

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want to come into being. The commitments would then be examined by the Consultative Committee or whatever committee is set up to examine the question. So we must tell the framers of the new constitution that here is a new province coming into being, we sympathize with these people in their desire to have a new province on linguistic basis and the financial commitments have to be looked into. It is for the Government to see how the administration of the new province is to be run. Madras has refused to contribute; perhaps other provinces may say so. The Government of India would have to find out how the new province could be run without additional commitments, or if they are necessary, how to meet them. As regards the amendment everybody will be in the dark. It is like taking away with the one hand what is given with the other. In this connexion I may remind the hon. mover that only recently the North-West Frontier Province was formed. It is in our experience that new provinces are being formed. Our Andhra friends are asking for a new province. A concession has been given to Utkal for the formation of a province. I do not see why we should stand in the way of a province being formed immediately. To some extent we are committed to the principle underlying it. I therefore feel constrained to oppose this amendment."

* Mr. A. RANGANATHA MUDALIYAR:—"I beg to associate myself with the speakers who have opposed this amendment. The hon. Member for the University of Madras was good enough to say that the Andhra friends might follow with a request for a province of their own, and my Friend Mr. Choudari said that the formation of this province might be taken up after the Reforms come into operation. I beg to remind him that when a similar question was discussed in this House some time ago and, if I remember right, a resolution was also passed in favour of an Andhra province being formed. I should like to say that we should try and place ourselves in the position of the Oriyas. Supposing that long before the introduction of the next Reforms, it is possible to form an Oriya province, will you say 'No, you shall not have a separate province until the Reforms come into being.' 'Do unto others as you wish others should do unto you.' Once we are agreed that an Oriya province should be formed, there is no reason why we should postpone it. Of course, so far as the question of boundaries is concerned, it is quite clear that there are many here who are not prepared to accept the suggestions of the Raja of Bobbili in their entirety. But that is a different matter. It is not kindly on our part to put obstacles in the way of forming a new Oriya province. Let us not show by any gesture on our part that we are for postponement of this question, more especially after the bitterness that has been created in the minds of our Oriya friends in regard to this matter."

4-15
p.m.

The hon. the PRESIDENT:—"The question is—

'that the formation of the proposed Orissa province with the addition of parts from the Madras Presidency should lie over and should be decided by the new Federal Government when it is constituted'."

[4th August 1932]

The amendment was declared lost. A poll was demanded and the House divided thus:

Ayes.

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| 1. Mr. M. Devadasan. | 12. Mr. A. Pl. N. V. Nadimuthu Pillai. |
| 2. Rao Sahib N. Siva Raj. | 13. The Pattagar of Palayakottai. |
| 3. Mr. Daniel Thomas. | 14. Mr. K. S. Sivasubrahmanya Ayyar. |
| 4. Dr. P. Subbarayan. | 15. Rai Sahib C. Kolanda Reddi. |
| 5. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 16. Mr. J. Kuppaswami Choudari. |
| 6. Mr. M. A. Manikkavelu Nayakar. | 17. " C. Satyanarayana Choudari. |
| 7. " Basheer Ahmed Sayeed. | 18. " F. E. James. |
| 8. " P. Peddi Raju. | 19. " V. T. Arasu. |
| 9. Ahmed Miran Sahib Bahadur. | 20. " H. M. Jagannatham. |
| 10. Mr. K. A. Nachiyappa Gounder. | 21. Rao Sahib V. T. Muniswami Pillai. |
| 11. " G. Simhachalam Pantulu. | 22. Mr. G. Lakshmana Reddi. |

Noes.

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| 1. Mr. V. M. Ramaswami Mudaliyar. | 14. Mr. K. Kesava Ramamurti Nayudu. |
| 2. Diwan Bahadur M. Gopalaswami Mudaliyar. | 15. " Mahboob Ali Baig. |
| 3. Mr. B. P. Sesha Reddi. | 16. Srikan M. G. Patnaik Mahasayo. |
| 4. " P. C. Moses. | 17. Mr. T. S. Ramaswami Ayyar. |
| 5. " P. V. Rajagopala Pillai. | 18. " U. C. Subrahmanya Bhatt. |
| 6. " V. G. Vasudeva Pillai. | 19. " A. Ranganatha Mudaliyar. |
| 7. " G. Indriah. | 20. " K. Koti Reddi. |
| 8. " P. Bayappa Reddi. | 21. " C. R. Parthasarathi Ayyangar. |
| 9. The Raja of Bobbili. | 22. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 10. The Raja of Kallikote. | 23. Mr. G. R. Premayya. |
| 11. Mr. M. A. Muthiah Chettiyar. | 24. S. M. K. Beyabani Sahib Bahadur. |
| 12. Pandit Ganala Ramamurti. | 25. Mr. W. P. A. Soundara Pandian. |
| 13. Rao Sahib P. Subrahmanyam Chetti. | |

Neutral.

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| 1. The hon. Khan Bahadur Sir Mahmud Usman Sahib Bahadur. | 15. Mr. K. P. Raman Menon. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 16. Rao Bahadur A. T. Pannirselvam. |
| 3. " Sir Archibald Campbell. | 17. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 4. " Mr. H. G. Stokes. | 18. Mr. M. S. Sreshtha. |
| 5. " P. T. Rajan. | 19. Rao Sahib V. Dharmalingam Pillai. |
| 6. " Diwan Bahadur B. Muniswami Nayudu Garu. | 20. The Kumara Raja of Venkatagiri. |
| 7. Mrs. K. Alamelumangathayaramma. | 21. The Zamindar of Mirzapuram. |
| 8. Mr. C. E. Jones. | 22. Mr. A. V. Bhanoji Rao. |
| 9. " J. A. Thorne. | 23. Swami A. S. Sahajanandam. |
| 10. " H. M. Hood. | 24. Rao Bahadur T. A. Ramalingam Chettiyar. |
| 11. " S. H. Slater. | 25. Mr. Sami Venkatachalam Chetti. |
| 12. " E. Conran Smith. | 26. Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 13. " T. Sundara Rao Nayudu. | 27. Rao Bahadur Sir A. P. Patro. |
| 14. Khan Sahib Syed Tajuddin Sahib Bahadur. | 28. Mr. C. Basu Dev. |
| | 29. Diwan Bahadur S. Ellappa Chettiyar. |

Ayes 22. Noes 25. Neutral 29.

The amendment was lost.

MR. BASHEER AHMED SAYEED:—"With your leave, Mr. President, I beg to move—

'that the rest of the items on the agenda do stand adjourned until items 4 and 5 are disposed of.'

"The reasons for this motion are that the Bills which the hon. Minister for Local Self-Government has given notice of are very important and affect questions which require urgent disposal, particularly so in

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view of the fact that various no-confidence motions have already been moved in several of the local bodies and municipalities, and also in view of the interference of Courts in some of them. I therefore think, Sir, that the House will give leave for this motion and vote for it."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The hon. Sir ARCHIBALD CAMPBELL:—"I think the hon. Member Mr. Basheer Ahmed Sayeed has made a mistake in his reference to the items to be taken up. He must have said '6 and 7' instead of '4 and 5'."

* The hon. the PRESIDENT:—"I will put the motion correctly. The question is—

'that all the items on the agenda do stand postponed until Bills Nos. 9 and 10 have been disposed of.'"

The motion was carried.

IV.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (BILL No. 9 OF 1932).

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I beg to introduce the Bill^a to amend the Madras District Municipalities Act (Bill No. 9 of 1932).

"Sir, this Bill is intended with a view to make amendments in the existing provision dealing with no-confidence motions in the District Municipalities Act. In regard to municipalities there have been several motions of no-confidence and the power to move no-confidence motion is being abused. It is considered necessary that provision should be made to eliminate as far as possible the abuse that is being made. There have been cases in which the Chairmen have refused to receive motions of no-confidence and rejected them. To obviate that difficulty it is necessary to amend the Bill. There have been cases in which two motions against the Chairman and the Vice-Chairman are tabled on the same day. Difficulty has been caused as to which of them should be admitted. The Bill provides for one of them being admitted in preference to the other. It also provides that once a motion of no-confidence is passed by a two-thirds majority the Chairman should be removed by Government by a notification. The object is to avoid the dispute as to whether there was a two-thirds majority or a bare majority. It also provides that once a motion of no-confidence is brought another motion should not be brought forward at least for six months, and also when once a motion is rejected or otherwise disposed of, there should not be a second motion for at least six months. These are the various amendments proposed to be made which are intended to minimize the difficulties which arise in connexion with the moving of no-confidence motions. These no-confidence motions have tended to create deadlocks and also deterioration in the efficiency of the administration. I feel there is a large volume of opinion that something should be done to reduce these evils. In that view this Bill has been introduced. I no doubt intended that we may pass the Bill immediately into law, but in view of the various amendments that have

^a Published in the Fort St. George Gazette, dated 26th July 1932.

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been given notice of and also in view of the fact that notice has been given by Members that the Bill may be considered by a Select Committee, I request you will allow me to move this Bill to amend the District Municipalities Act (Bill No. 9 of 1932)."

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to second it."

* The hon. the PRESIDENT:—"Is the hon. Minister moving a motion to refer it to a Select Committee?"

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"With your permission, Sir, I beg to move—

that this Bill be referred to a Select Committee consisting of the following Members:—

The hon. Diwan Bahadur B. Muniswami Nayudu Garu.

Rao Sahib P. Subrahmanyam Chetti.

Khan Bahadur Yahya Ali Sahib Bahadur.

Mr. A. V. Bhanoji Rao.

„ M. S. Sreshta.

„ Daniel Thomas.

„ Mahboob Ali Baig.

The Zamindar of Mirzapuram.

Diwan Bahadur C. S. Ratnasabhupati Mudaliyar.

Mr. C. Basu Dev.

Dr. P. Subbarayan.

Mr. G. Simhachalam Pantulu.

„ T. S. Ramaswami Ayyar.

„ Basheer Ahmed Sayeed.

„ M. D. T. Ranganatha Mudaliyar.

„ P. Peddi Raju."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

4-30
p.m.

Ahmed Miran Sahib Bahadur spoke in Tamil opposing the motion for referring the Bill to a Select Committee.

* Mr. V. T. ARASU:—"Sir, I also oppose the motion of the hon. the Chief Minister for referring this Bill to a Select Committee. This Bill seeks to amend only one section, viz., section 44 of the District Municipalities Act. The hon. the Chief Minister in his speech introducing the Bill said that this power of passing a vote of no-confidence given to local bodies had been much abused by the local bodies and that consequently there had been considerable deterioration in the administration of these local bodies. Therefore the sooner we nip this nefarious practice in the bud, the better. The hon. Minister gave notice of a motion for taking the Bill into consideration and several of us thinking that the Bill would be considered immediately gave notice of amendments to the clauses in the Bill. I am surprised that the hon. Minister should have changed his mind so soon and come forward with a motion to refer the Bill to a Select Committee. The Select Committee is absolutely unnecessary from another point of view also. The Select Committee would entail a lot of expenditure to the Government and it is undesirable that we should add to the expenses of the Government when they are finding it difficult to

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make both ends meet. It is unfortunate that the hon. the Finance Member is not here just now. I am sure he will agree with me that we should not impose a burden on the financial resources of this Province by referring this Bill to a Select Committee. I therefore oppose the motion that the Bill be referred to a Select Committee, and request that the Bill be taken into consideration at once."

MAHBOOB ALI BAIG SAHIB Bahadur:—"Sir, in the ordinary course of events, when a Bill is brought forward, notice of the motion is given several weeks before the meeting of the Council in which it is to be introduced. Then it is referred to a Select Committee where its provisions are discussed in detail. But in this case the Bill was published in the Gazette on the 26th July—only five or six days ago. On account of the confusion in the section now proposed to be amended, several disputes have arisen and the persons concerned have referred the matter to civil courts. The drafting of the section has not been happy. The construction of the section, the desirability of the Chairman or the Vice-Chairman presiding over a meeting at which a motion of no-confidence is moved against him, the interference of the civil courts in all stages of the motion, and several such things have been discussed in the newspapers and elsewhere. I am sure many amendments should be brought to this Bill now before the House. I do not see any reason, unless one is personally affected or fears he would be losing his ground, why there should be any indecent haste in proceeding with this Bill. We have had a bitter experience of rushing through legislation and afterwards feeling sorry for it. I therefore urge that some time should be allowed for the House and the public to consider this matter calmly. I strongly support the motion for referring this Bill to a Select Committee."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I was one of those who was very anxious to have this section amended as early as possible. Therefore when I first saw the Bill in the Gazette I was very glad that it was coming and hoped that it would be passed at once. But on further consideration I found that the Bill required some amendments and that it was better that it was discussed in a Select Committee. For instance, when a no-confidence motion is rejected or passed only by a bare majority, no such motion can be brought forward for another six months. I should like that in the case in which a no-confidence motion against a Chairman or Vice-Chairman has been totally rejected, another motion against the same persons should not be brought forward for a period of 12 months. They should be allowed to continue in office undisturbed for that period at least. I am glad to learn that we will soon be having executive officers for our municipalities; and a Bill to that effect will be introduced. Till then it is better that we allow Chairman or Vice-Chairman of municipalities against whom a no-confidence motion has been brought and rejected to continue in office undisturbed for another period of 12 months. These things can be discussed in the Select Committee. That is why I support the motion to refer this Bill to a Select Committee. With regard to the speech of the hon. Member from Tenkasi—I was recently at Tenkasi myself and I heard that a no-confidence motion was pending against him—I earnestly hope he would not be disturbed. There are many like him in the Presidency, but that is no

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consideration why we should rush through a measure like this. We will not lose much by postponing the Bill for three months. It is not proposed in this Bill to do away with no-confidence motions altogether. But it is proposed to restrict the scope of such motions. The best security of presidents of local boards and chairmen of municipal councils will be found in the confidence they are able to command from the members of these bodies. I therefore support the motion to refer this Bill to a Select Committee."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The hon. Member Mr. Arasu charged me with changing my mind suddenly. I have to point out that this Bill was placed before the Advisory Committee on Local Self-Government and Public Health consisting of 22 members and I asked their opinion as to whether the Bill may be passed straightaway or referred to a Select Committee. They advised that the Bill should be referred to a Select Committee. My hon. friend Mr. Ramaswami Ayyar representing the Madras Corporation was one of the members of the Committee. He said that the Bill did not go as far as he would like it to go and that he would like to make radical changes in the Act even to the extent of removing the section relating to no-confidence motions. With regard to the amendments before us, they are not of an informal nature, they are substantial amendments. One amendment says that a no-confidence motion should not be introduced until six months after the election of a Chairman or Vice-Chairman. Mr. Muthiah Chettiyar wants that the interval should be not six months but one year. Another amendment says that there should be only one no-confidence motion and whether the majority is prescribed to be two-thirds or a bare majority, the motion should operate as soon as it is passed; there should be no provision for a second motion after some interval. In view of these various amendments and in view of the general feeling I thought it best to have the matter discussed in Committee so that it may come before the Council in a more satisfactory form. I fully realise the great abuse to which this power has been put and the urgent necessity of restricting this power to as narrow a margin as possible. If there is a strong body of opinion in favour of restricting this power, on behalf of the Government I am willing to accept it. These are the considerations which induced me to bring forward a motion to refer the Bill to a Select Committee. Of course I quite sympathise with the hon. Member from Tenkasi in his anxiety that the Bill should be passed now. But we have very little time at our disposal—only 15 minutes. Even if we make up our minds to take up the Bill now we shall not be able to pass it to-day."

* Mr. V. T. ARASU:—"Sir, as the hon. the Chief Minister has said that this is a very important measure which ought to be thrashed out in a Select Committee, I beg your leave and the leave of the House to move that S.O. 39 (2) be suspended and that the number of members of the Select Committee be increased to more than 15. If the leave is granted and you suspend the S.O., I shall give the names of the Members I want to add to the Select Committee."

4-46
p.m.

* The hon. the PRESIDENT:—"The hon. Member will move for both, suspension of the Standing Order and the addition of more names."

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* Mr. V. T. ARASU:—"Sir, I request you to suspend Standing Order 39 (2) and to give me leave to add the names of the following gentlemen to the list of Members of the Select Committee already read out by the hon. the Chief Minister:—

Mr. V. M. Ramaswami Mudaliyar.
Ahmed Miran Sahib Bahadur.
Pandit Ganala Ramamurti.
Mr. W. P. A. Soundara Pandian.
„ C. R. Parthasarathi Ayyangar.
S. M. K. Beyabani Sahib Bahadur.
Mr. M. A. Manikkavelu Nayakar."

Mr. BASHEER AHMED SAYEED:—"I second it."

* The hon. the PRESIDENT:—"The question is—
'that the number of the Members of the Select Committee on this Bill excluding the Member of Government in charge, do exceed 15.'"

The motion was lost.

* The hon. the PRESIDENT:—"The question is—
'that Bill No. 9 of 1932 (Bill to amend the Madras District Municipalities Act) be referred to a Select Committee consisting of the Members already read out by the hon. the Chief Minister.'"

The motion was carried.

V.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920
(BILL No. 10 of 1932).

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I introduce the Bill^a to amend the Madras Local Boards Act (Bill No. 10 of 1932) and move—

'that the Bill be referred to the same Select Committee as for Bill No. 9.'

"The object of this Bill is the same as that of the previous Bill. This is in connexion with the amendment of the sections in the Local Boards Act dealing with no-confidence motions. I have already explained the object of these Bills."

Mr. E. CONRAN SMITH:—"I second it."

The motion was put and carried.

VI.—A BILL TO AMEND THE MADRAS SERVICES COMMISSION ACT, 1929
(BILL No. 7 of 1932).

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

'that Bill No. 7 of 1932 be taken up next as it is urgent and as there are no amendments proposed to it.'"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

The motion was put and carried.

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* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to introduce the Bill^a to amend the Madras Services Commission Act, 1929 (Bill No. 7 of 1932) and to move—

'that the Bill be taken into consideration at once.'

"This Bill is intended to bring the present Act in conformity with the resolution of the Secretary of State for India in Council amending the Civil Services (Classification, Control and Appeal) Rules on the suggestion made by the Services Sub-Committee of the Round Table Conference. Under our present Act, the Chairman and the other Members of the Commission are appointed by the Governor in Council. The Secretary of State in Council has now made a rule that any law of this nature must enact that the appointment or renewal of the appointment or removal of any Member of the Commission shall be made by the Governor. The Bill seeks to alter also sub-section (3) of section 4 of Act XI of 1929. The present sub-section is as follows:—

'No person shall be appointed to be the Chairman or a member unless he has previously given an undertaking in writing to the effect that he will not, either during or after his service on the Commission, accept any other office under the Crown in India except—

(a) if appointed as the Chairman, the office of Chairman or member of the Public Service Commission; and

(b) if appointed as a member, either of the offices mentioned in clause (a) or the office of Chairman of the Commission.'

"The new clause to be substituted for this is to run as follows:—

'A person who has been the Chairman or a member shall, on vacating his office, be ineligible to hold any office under the Crown in India other than the office of Chairman or member of the Public Service Commission or of a Commission set up by any law enacted under the authority of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.'

"The effect is the same except that we no longer require the members of the Commission to sign an undertaking that they would not take up any other office under the Commission in India except those specified. If we carried out this amendment, the law will be in conformity with the Secretary of State's rules passed on the recommendation of the Services Sub-Committee of the Round Table Conference."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

* Mr. V. T. ARASU:—"Sir, before we take up the consideration of this Bill, I wish to point out to this House the implications underlying this Bill. It is not so harmless as it appears to be on the surface. If hon. Members would look into the Madras Services Commission Act as it exists to-day, they will note that the power of appointment of the Chairman and Members of the Commission rests in the hands of the Governor in Council. What the amendment seeks to do is to remove that power from the Governor in Council and to vest it solely in the hands of His Excellency the Governor. Every one knows that sooner or later we are going to have some form of responsible Government, when elected representatives will be sitting on the Treasury Benches. This amending Bill provides that the elected representatives of the people should not be in a position to advise His Excellency

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the Governor in the matter of the selection of the Chairman and Members of the Services Commission. Governors come and go. If we have a new Governor, it may not be possible for him to judge the merits of the candidates who seek these appointments. It is therefore just and proper that the Governor, whoever he may be, must be informed of the merits of the various candidates seeking the appointment by the trusted representatives of the people who constitute the Cabinet. Therefore, I am afraid that the amendment which is proposed now, viz., to remove the power of appointment from the Governor in Council and to vest it in the Governor alone is subversive of constitutional principles. Therefore, I am opposed to it.

"Secondly, while introducing this Bill the hon. Member said that this Act should be brought in conformity with the provisions of Rule 13 of the Civil Services (Classification, Control and Appeal) Rules. He has not stated what will be the effect if we do not bring this Act in conformity with those rules. Surely, the heavens would not tumble down if we do not do so. Therefore, I am of opinion that the existing Act can continue to be in force. For these reasons I am afraid I cannot persuade myself to agree to the passing of this Bill into law."

Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, as this matter is not very urgent, I would suggest that the consideration of this question may be deferred to another sitting of the Council. This question was gone into, if I remember rightly, when the original Bill was taken up in the Select Committee and I think that, after some consideration, the words 'the Governor in Council' were deliberately put in. I am sorry I am not able to bring back to my memory all the reasons that influenced us to have those words. If the hon. the Revenue Member has no objection, this Bill may be put off for the next meeting of the Council."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, if I am not mistaken, the term used in the original draft of the Madras Services Commission Bill, was the 'Governor' and we altered it after discussion and inserted the words 'Governor acting with the Ministers or Governor in Council.' I think, Sir, that the change was made deliberately. I think that the reasons that led the Council to accept the altered wording 'Governor in Council' instead of 'Governor' hold good even to-day or perhaps with greater force. As Mr. Arasu pointed out, with the coming constitutional changes, the difference between the terms 'Governor in Council' and 'Governor' will disappear as the former will act exactly as advised by his Ministers and the Government will be responsible to the people. I cannot therefore agree to the motion of my hon. Friend, the Revenue Member."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this decision was arrived at, as I already stated, on the recommendation of the Services Sub-Committee of the Round Table Conference. The resolution passed by them was that 'in every Province and in connexion with the Central Government, a statutory Public Services Commission shall be appointed by the Governor or Governor-General as the case may be.' The object of this law is, as far as possible, to remove the permanent public services from political influence. That is not

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casting any reflection whatever on this country as it has been found to be the experience of all countries which have democratic forms of Government, that they must adopt some means by which they can remove the permanent Services as far as possible from all political influence; otherwise, evils will result. This question was very carefully considered by the Sub-Committee of the Round Table Conference and, as far as I can see, the decision was arrived at unanimously by that Committee.

"As regards the urgency of the matter, the rules have been passed by the Secretary of State and they will be brought into force from such date as the Governor-General in Council may notify. The Government of India are holding up their notification to give us an opportunity of amending our Act, as, otherwise, that particular sub-section will automatically become null and void as it will be repugnant to the Secretary of State's rules. If this amendment is not passed, no one can appoint either the Chairman or a Member of the Services Commission at all. That is the reason for the urgency of the matter. The Government of India are waiting for us to amend our Act in order to bring the new rule into force."

MR. BASHEER AHMED SAYEED:—"Sir, I rise to oppose the motion made by the hon. the Revenue Member. The reasons which he gave are not at all convincing. One reason given by the hon. Member is that it is sought to keep the appointment and removal of the Members of the Commission beyond any political influence. I do not think there is any point in that argument. From the experience we have gained already, we know that, if one political influence is removed, another political influence comes in in its place.

5 p.m.

"For instance, Sir, I may mention various Acts where the Governor is given the right to nominate or appoint persons to certain bodies and offices. There is the Madras University Act and there is the Andhra University Act, according to which, the Governor, or the Chancellor, as the case may be, has the right to make certain nominations. That does not mean that the Governor does it by himself. If there is a Governor who is all in all, who knows every nook and corner of the city and the Presidency, and if there is a Governor who knows all individuals living in the locality or has come into contact with each and every man and knows his capacity, his qualifications and all other things, then such a Governor would certainly be expected to make an appointment which would be considered fair and square. But we have seen Governors have come and Governors have gone. For five years Governors have sat in this country and they have been either most uninformed or uninforming or both. If such is the case of Governors, to vest in their hands powers like this, that they by themselves should be enabled to appoint men to particular offices, is indeed not proper. What will happen? If the Governor is not to be advised by his Councillors or by the Ministers, does it mean that the advice of the Councillors or of the Ministers is always influenced by political considerations? I do not think, Sir, that there is any point in saying like that. I would only say that if in the future constitution responsibility is going to be given to the fullest extent possible, and every man will do his duty according to

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his conscience, to say that the Governor if he is left alone will close himself up in a room and then appoint a man without being influenced by political or other considerations existing at the time in the country, will be absurd. If the Governor does not consult the Executive Councillors, I am sure he will consult the Chief Secretary at least or some other Secretary concerned with the department or for the matter of that, his own Private Secretary."

* Mr. F. E. JAMES:—"I should like to know, Sir, whether it is in order for any Member to discuss the questions as to whether there should or should not be a Public Services Commission on a discussion arising out of this Bill which seeks merely to bring into a technical conformity the provisions of this Act with the rules made by the Secretary of State. I put it to you, Sir, that a general discussion on the desirability or not of having a Public Services Commission is entirely irrelevant to this particular Bill under discussion."

* The hon. the PRESIDENT:—"I hope the hon. Member will confine his remarks only to the sections under consideration. As has been pointed out by Mr. James, there is no necessity for discussing the Madras Services Commission Act as a whole."

Mr. BASHEER AHMED SAYEED:—"I bow to your ruling, Sir; but I am not discussing the Public Services Commission Act at all. It is not before us now. The amendment sought to be introduced by the hon. the Revenue Member is that the words 'in Council' be removed. I am only confining myself to that point. I do not want to go beyond it. I only say that it is absurd to say that simply because the word 'Governor' is to be put in, the whole thing will be done by the Governor only. If the Governor is not to consult his Executive Councillors or his Ministers, he is sure to consult the Secretary or the Chief Secretary or his Private Secretary, in which case the position will be much worse. So, Sir, I am opposed to this amendment."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, as there has been difference of opinion on this matter, I think it is desirable that the Bill is referred to a Select Committee. So, I move, Sir—

'that this Bill be referred to a Select Committee'."

The hon. Sir ARCHIBALD CAMPBELL:—"The motion is that the Bill be taken into consideration."

Mr. BASHEER AHMED SAYEED:—"At this stage, we can move that the Bill be referred to a Select Committee, Sir. It is quite in order."

* The hon. the PRESIDENT:—"The motion that the Bill be taken into consideration has not been passed. It is still under discussion, and so, the hon. Member is in order in moving his motion for reference to a Select Committee."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I give the names now, Sir? I merely move now that the Bill be referred to a Select Committee for the reasons I have stated. If that is carried, I shall then give the names of Members."

Mr. A. RANGANATHA MUDALIYAR:—"I beg to second it, Sir, reserving my speech to a later occasion."

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* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am sure my hon. Friends would not misunderstand me if I stand up to oppose this motion for a Select Committee. I remember, Sir, as a Member of the Select Committee that sat on the original Bill for the establishment of a Provincial Public Services Commission, that my hon. Friend from Bellary, Mr. Ranganatha Mudaliyar, it was who advanced in the Select Committee the argument that the power to appoint the Public Services Commission should be vested either in the Governor or in the Viceroy. He said, and said very strongly, that these appointments should be held beyond political influences, and as far as possible, such power should vest at least in the Head of the Government. I remember also having pointed out then that according to the rules of the Secretary of State then in force, even if the Council should desire to vest the power in the Governor, it was not open to us to do so. It was in those circumstances that the words 'Governor-in-Council' were substituted for the word 'Governor'. What is now attempted is only to substitute the word 'Governor' for the words 'Governor in Council.' I may also point out that in the interim period between the date when that Act was passed and to-day, a Sub-Committee sitting in London of the Round Table Conference, discussed this matter and thought that in the future constitution of India it was necessary that these appointments to the Public Services Commission should be made by the Governor or by the Governor-General. It is the opinion of that Committee that practically has been accepted by the Secretary of State who has accordingly amended his rules and directed that our Public Services Commission Act should be brought into line with his rules. The point for consideration merely is: who is the suitable authority—the Governor or the Governor in Council. If my friend held the view some two or three years ago that the Governor was a better authority than the Governor in Council, I do not understand why he has changed his view now. The one objection that seems to be raised is that in the future constitution when Provincial Autonomy is given, the Governor who is vested with this power will act on the advice of the Chief Minister or the Prime Minister—whoever he may be. But what is the alternative? Supposing we keep the words 'Governor in Council', under the new constitution, it will be construed as 'Governor acting on the advice of the Chief Minister' or whoever it may be. Therefore, whether we use the word 'Governor' or the words 'Governor-in-Council' it will be practically certain that the Ministry will advise the Governor. But at the same time, if we have the word 'Governor' alone, we will be providing that His Excellency the Governor may even differ from his Ministry in the interests of public service and that he may appoint the men whom he considers best fitted. Therefore, if you vest this power in the Governor, you can guarantee at least that the Governor will appoint a suitable man, probably in consultation with the Ministry; but if you do not want to have this amendment it will only mean that practically the person who is selected by the Minister will be accepted. Sir, people who think of constitution and constitution-making and who want to be nationalists would certainly agree that that power should be vested in the Governor who, though he might take the advice of his Ministers, would still be fair in the selection of the person for the appointment

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and be above all political influences. I do not think, Sir, any real purpose will be served by referring this Bill now to a Select Committee. The plain question now is whether power should be vested in the Governor or in the Governor-in-Council, who under Provincial Autonomy will be guided by the advice of his Ministers. This question need not be discussed by a Select Committee. Now and now alone we can make up our minds to do this or that. I have tried to explain the reasons which I think are fairly important as to why in the future constitution this power should be vested in the Governor; and the objection that the Governor would exercise this power on the advice of the Ministers is beside the point. Because even if he takes the advice of the Ministers, he can still say that he considers that he should dissent from their views. I should therefore think, Sir, that in the interests of the future constitution and in the interests of the services, of getting the best men possible, such power should be vested in the Governor. For these reasons, I oppose the motion for referring the Bill to a Select Committee."

* Mr. K. P. RAMAN MENON:—"Sir, it is with great diffidence that I propose to offer a few remarks on the motion before the House. I think I must say what I feel in this matter. Now, is it pretended that a Governor who lands in this Presidency straight from Home without previous knowledge of anybody in this land will be able to make a selection of the gentlemen who constitute this Public Service Commission? Certainly, Sir, a Governor landing here will have to consult others in making an appointment of this nature. Even supposing that he has been here for four and odd years, it would be impossible for a Governor to be in touch with all the leading men of the land to make a selection; so that it practically comes to this, that he will have to take the advice of whosoever may be in his confidence—it may be the Chief Minister or other Ministers or even the whole Cabinet. It is all very good to say that the appointment should be put beyond the reach of any political influence; but in practice, it will be an appointment within the reach of political influence, and there will be a touch of political bias. What is the case in England, Sir? If anybody will instruct me on that point, I shall be very glad to change my opinion. The position that His Excellency holds here is, as far as I can see, approximate to the position that the Sovereign holds in England. Does the King make the appointments to the Public Services Commission himself, or does he do it with the advice of his Ministers, or do the Ministers themselves do it? I desire to be enlightened on that point. I do not know what is done there. After all, for many reasons it is desirable that here power is not given, with great respect and with great diffidence I say so, to an alien. I am constrained to say that the result will be disastrous and will lead to the shoving in of as many Europeans as possible in these places, when Indians are available. I am constrained to say that, and I may be pardoned for having been too plain in my remarks."

Mr. A. RANGANATHA MUDALIYAR:—"I am very sorry, Sir, that my hon. Friend, Mr. Muniswami Nayudu, has distorted facts. He may clearly remember what I said. What I said was that this matter

[Mr. A. Ranganatha Mudaliyar] [4th August 1932]

might have been gone into in the Select Committee and that Committee might have deliberately come to the conclusion referred to. I said I could not exactly remember it at once. So, I appealed to the hon. the Revenue Member if he could not see his way to have the consideration of this Bill deferred. Sir, I asked him whether it was urgent. Yesterday, the Government were prepared to allot all this afternoon for non-official work. Now suddenly to say that this matter is very urgent and this should be done now seems to be unfair. Yesterday it was conceded that they would arrange to see that the official business was over before lunch and that non-official business might be taken up afterwards. I doubt very much if in that case they would have reached this business at all."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I make a few remarks in reply? With reference to the remarks of my hon. Friend, Mr. Muniswami Nayudu, I should like to say this: He said that under the arrangement now suggested, the Governor no doubt will get the advice of the Minister, but that he will have the power to veto it. That raises, Sir, a question of principle. What exactly is going to be the position of the Governor under the new constitution when it is supposed that we will have Provincial Autonomy. Much of the trouble and dispute at present is with reference to the question of the powers of the Governor. Now, Sir, is the Governor in the coming constitution going to be invested with the power of veto in matters of appointment? I do not think so. Even at present I believe the Governor—that is of course my personal view—is exceeding the powers that were intended to be conferred on him under the Devolution Rules. Of course the authority quoted for the action of the Governor now is the Instrument of Instructions. I would not go into controversial matters; but the real point is this: if the government that is going to be conceded to the provinces is to be autonomous, it means that the Ministers will be supreme as the Ministers are supreme in England. In any democratic country it means that the head is merely going to be—if I may use that term—a figurehead. It will be the same sort of constitution as in England where the King's name is used for certain purposes, but really it is the Minister who occupies the supreme position, and speaks on behalf of the Legislature. "In that case, in the provincial autonomy that we are going to get, the Ministers will be absolutely supreme and there is no question of the Governor exercising the power of veto in a question like this. Even supposing we give the power to the Governor, it will really mean the "Governor acting with Ministers" and the Ministers will be supreme and the Governor cannot veto the recommendations of the Ministers in the coming constitution except of course in matters of Law and Order where the condition of the country necessitated the Governor passing orders against the wish of the legislature. If, for instance, there was a disturbance in the country and the legislature does not support him, in that case the Governor may exercise his power of veto. But, in matters of appointment, I should think, if we are going to have real provincial autonomy, which apparently has been promised by those that are concerned in this question, then of course, the Governor's power of veto will be seriously limited—limited

4th August 1932] [Mr. R. N. Arogyaswami Mudaliyar]

to cases of the sort I have just mentioned. So, I do not see any objection at all to having the term 'Governor-in-Council' as at present, which, in future, when we get provincial autonomy, may be altered to 'Governor acting with Ministers'. I do not therefore see any justification for the remarks made by the hon. the Chief Minister just now."

* The hon. the PRESIDENT:—"I will now put the motion of Mr. Arogyaswami Mudaliyar to the vote of the House. The question is—
'that Bill No. 7 of 1932 be referred to a Select Committee'."

The motion was declared lost. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---------------------------------------|
| 1. Mr. V. M. Ramaswami Mudaliyar. | 9. Mr. K. A. Nachiyappa Gounder. |
| 2. " K. P. Raman Menon. | 10. " A. Pl. N. V. Nadimuthu Pillai. |
| 3. Diwan Bahadur E. N. Arogyaswami Mudaliyar. | 11. " U. C. Subrahmanya Bhatt. |
| 4. Mr. T. S. Ramaswami Ayyar. | 12. " K. S. Sivasubrahmanya Ayyar. |
| 5. Rao Bahadur T. M. Narayanaswami Pillai. | 13. " A. Ranganatha Mudaliyar. |
| 6. Mr. M. A. Manikkavelu Nayakar. | 14. " C. R. Parthasarathi Ayyangar. |
| 7. Basheer Ahmed Sayeed Sahib Bahadur. | 15. " V. T. Arasu. |
| 8. Mr. P. Peddiraju. | 16. Swami A. S. Sahajanandam. |
| | 17. Rao Sahib P. Subrahmanyam Chetti. |
| | 18. Sriman M. G. Patnaik Mahasayo. |

Noes.

- | | |
|---|--|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur, Kt. | 18. Mr. P. C. Moses. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 19. " P. V. Rajagopala Pillai. |
| 3. " Sir Archibald Campbell. | 20. " C. Indriah. |
| 4. " Mr. H. G. Stokes. | 21. " P. Bayappa Reddi. |
| 5. " Mr. P. T. Rajan. | 22. Rao Sahib P. V. Dharmalingam Pillai. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 23. Mr. M. A. Muthiah Chettiar. |
| 7. Mr. C. E. Jones. | 24. " Daniel Thomas. |
| 8. " J. A. Thorne. | 25. Pandit Ganala Ramamurti. |
| 9. " H. M. Hood. | 26. Mahboob Ali Baig Sahib Bahadur. |
| 10. " S. H. Slater. | 27. Rao Bahadur C. Natesa Mudaliyar. |
| 11. " E. Conran Smith. | 28. Mr. C. Basu Dev. |
| 12. " T. Sundara Rao Nayudu. | 29. Diwan Bahadur S. Ellappa Chettiar. |
| 13. Khan Sahib Syed Tajuddin Sahib Bahadur. | 30. Rao Sahib V. I. Muniswami Pillai. |
| 14. Mr. M. B. Rangaswami Reddi. | 31. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 15. " M. Devadasan. | 32. Mr. G. R. Premayya. |
| 16. Subadar-Major S. A. Nanjappa Bahadur. | 33. " G. Lakshmana Reddi. |
| 17. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. | 34. " F. E. James. |
| | 35. Rai Sahib C. Kolanda Reddi. |
| | 36. Mr. J. Kuppuswami Choudari. |
| | 37. " C. Satyanarayana Choudari. |
| | 38. " G. Simhachalam Pantulu. |

Ayes 18. Noes 38.

The motion was lost.

* The hon. the PRESIDENT:—"I will now put the main motion to the vote of the House. The question is—

'that Bill No. 7 of 1932 be taken into consideration'."

The motion was carried.

The hon. the PRESIDENT:—"I will now put the Bill clause by clause to the vote of the House. Clause 1 of the Bill is now for consideration."

[4th August 1932]

Mr. A. RANGANATHA MUDALIYAR:—" Shall I be in order, Sir, if I move that the further consideration of the Bill be taken up at the next meeting? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It has been already passed that the Bill be taken into consideration."

* The hon. the PRESIDENT:—" If the hon. Member will put it in the form of a motion, I will put it to the vote of the House."

* Mr. F. E. JAMES:—" I should like to rise to a point of order, if I may, on that amendment. We have just passed a motion that the Bill be taken into consideration and we have not yet begun to take it into consideration. Even the first clause has not yet been put to the House. I should like to know whether an amendment to adjourn the further consideration of the Bill will be in order. I submit that until we have actually begun to take the clauses of the Bill into consideration, any such amendment at this stage is out of order."

* The hon. the PRESIDENT:—" If the motion had been for taking it into consideration immediately to-day, probably the motion of Mr. Ranganatha Mudaliyar would be out of order, but as the motion has not been made in that form, I am constrained to allow the motion. All that the previous vote decided was that the Bill be not referred to a Select Committee but be taken into consideration."

Mr. A. RANGANATHA MUDALIYAR:—" Mr. President, I beg to move—
'that the further consideration of this Bill be taken up on the next official day.'

" I do not think many words are necessary to commend this resolution to the acceptance of the House. Sir, already it is so late now and many of the members, I think, have gone to attend to their respective work elsewhere and further, they have not come prepared either, to take part in the deliberations in regard to this Bill. Moreover, Sir, from what the hon. the Chief Minister was good enough to say after having refreshed his memory with reference to the proceedings or other things, that in the Select Committee there was a division of opinion in regard to this matter. It may be, Sir, that I myself wanted that this prerogative should be left entirely in the hands of the Governor, but at any rate, it is quite clear that if I advanced that view in the committee stage, I was out-voted. It means that much has to be said on the other side and I should therefore like that this question should be gone into at a time when all the members are present when we shall have the benefit of expressions of opinion of all shades and nothing will be lost by deferring the consideration of this to the next official day. Otherwise it will lead to very bad taste. If we want one more hour for non-official work, they say, they cannot get, but if it is an official work, even against our will, they are prepared to go on. I hope, at least for the sake of courtesy, Government will accept this motion."

Mr. V. T. ARASU:—" I second it, Sir."

* The hon. the PRESIDENT:—" The question is—
'that the further consideration of the Bill be taken up on the next official day.'"

4th August 1932]

The motion was declared lost. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---------------------------------------|
| 1. Mr. V. M. Ramaswami Mudaliyar. | 9. Mr. A. Pl. N. V. Nadimuthu Pillai. |
| 2. " K. P. Raman Menon. | 10. " U. C. Subrahmanya Bhatt. |
| 3. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 11. " K. S. Sivasubrahmanya Ayyar. |
| 4. Rao Sahib V. I. Muniswami Pillai. | 12. " A. Ranganatha Mudaliyar. |
| 5. Mr. M. A. Manikkavelu Nayakar. | 13. " C. R. Parthasarathi Ayyangar. |
| 6. Basheer Ahmed Sayeed Sahib Bahadur. | 14. " V. T. Arasu. |
| 7. Mr. P. Peddiraju. | 15. Swami A. S. Sahajanandam. |
| 8. " K. A. Nachiyappa Gounder. | 16. Rao Sahib P. Subrahmanyam Chetti. |
| | 17. Sriman M. G. Patnaik Mahasayo. |

Noes.

- | | |
|---|--|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur, Kt. | 17. Mr. P. C. Moses. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 18. " P. V. Rajagopala Pillai. |
| 3. " Sir Archibald Campbell. | 19. " C. Indriah. |
| 4. " Mr. H. G. Stokes. | 20. Rao Sahib P. V. Dharmalingam Pillai. |
| 5. " Mr. P. T. Rajan. | 21. Mr. M. A. Muthiah Chettiyar. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 22. " Daniel Thomas. |
| 7. Mr. C. E. Jones. | 23. Pandit Ganala Ramamurti. |
| 8. " J. A. Thorne. | 24. Mahboob Ali Baig Sahib Bahadur. |
| 9. " H. M. Hood. | 25. Rao Bahadur C. Natesa Mudaliyar. |
| 10. " S. H. Slater. | 26. Mr. C. Basu Dev. |
| 11. " E. Conran Smith. | 27. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 12. " T. Sundara Rao Nayudu. | 28. Mr. G. R. Premayya. |
| 13. Khan Sahib Sayeed Tajuddin Sahib Bahadur. | 29. " G. Lakshmana Reddi. |
| 14. Mr. M. B. Rangaswami Reddi. | 30. " F. E. James. |
| 15. " M. Devadasan. | 31. " J. Kuppuswami Choudari. |
| 16. Subadar-Major S. A. Nanjappa Bahadur. | 32. " C. Satyanarayana Choudari. |
| | 33. " G. Simhachalam Pantulu. |
| | 34. Mrs. K. Alamelumangathayaramma. |
| | 35. Mr. W. P. A. Soundara Pandian. |

Ayes 17. Noes 35.

The motion was lost.

Mr. BASHEER AHMED SAYEED:—" Mr. President, Sir, I move—
'that the meeting of the Council do stand adjourned, as it is half-past five now, and we all feel very much tired.'"

5-30
p.m.

* The hon. the PRESIDENT:—" Order, order. I will now put the clauses of the Bill to the vote of the House. (After a pause.) The question is—

'that clauses 1 and 2 be passed and do form part of the Bill.'"

The motion was carried, and clauses 1 and 2 were made part of the Bill.

The hon. the PRESIDENT:—" The question is—
'that the Preamble do form part of the Bill.'"

The motion was carried.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move—
'that the Bill be passed into law.'"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I second it."

[4th August 1932]

* Mr. V. T. ARASU:—"Sir, I rise to oppose the motion made by the hon. the Revenue Member. Sir, both the hon. the Chief Minister and the hon. the Revenue Member have waxed eloquent that in all democracies appointments of this kind are kept away from political influences. I challenge the hon. the Chief Minister and the hon. the Revenue Member to adduce any instance in any country where it is so, whether it is a Parliamentary or a Presidential type of democracy, whether it is a democracy of the type prevailing in the United States or a Parliamentary democracy as it is in England to-day. Such appointments are not vested in one individual. It is the Cabinet, the representatives of the people, that advises the King or the President, as the case may be, in the filling up of such high posts."

Mr. F. E. JAMES:—"On a point of order, Sir . . ."

Mr. V. T. ARASU:—"My friend, Mr. James, would wait and hear me before he interrupts. (Laughter.) Sir, take the case of the United States. There, the President is elected directly by the free vote of the people; that is to say, he derives his power directly from the people at large, the supreme sovereign body. In spite of the fact that he derives his power directly from the people at large—and therefore better fitted to express the wishes of the people than the members of the Senate or the Chamber of Deputies—in spite of that the power of appointing even the judges of the Supreme Court of United States of America does not vest with the President alone."

"Taking the case of the English constitution as it is working to-day, as has been rightly pointed out by Mr. Raman Menon, though technically speaking, all appointments, like judgeships to the High Court, are made by His Majesty, I ask any member of the English race sitting in this House, whether sitting on the Treasury Bench or other benches of this House, to tell me whether it is His Majesty that makes these appointments directly? His Majesty is always guided in making these appointments by the elected representatives who constitute his Cabinet, to whichever party they may belong. To-day it may be a Coalition Ministry that is in power; to-morrow it may be the Labour Party that is in power; and day after to-morrow it may be the Liberal Party. Whichever party is in power, His Majesty always takes the advice of the leaders of that party in making all appointments. Therefore, I ask the hon. the Revenue Member on what basis he made the statement that in all democratic countries appointments of this nature are kept above political influences? Even taking for granted that we are to keep these appointments above political influences, what guarantee is there that if the appointment is to vest in the Governor, he will be above parties and the influence of political busy bodies? Sir, as has been rightly pointed out by Mr. Raman Menon and Mr. Basheer Ahmed Sayeed, Governors come and Governors go; they are absolutely ignorant of the local conditions when they come here. Is it seriously suggested by the hon. the Revenue Member and the hon. the Chief Minister that His Excellency the Governor would sit in his room, lock himself up there and will not take advice from anybody? It is not possible to do so. He may not know the status, the qualifications, past experience and so

4th August 1932]

[Mr. V. T. Arasu]

on of the various candidates. And is it seriously suggested that His Excellency the Governor will not take advice? Sir, human nature being what it is, His Excellency is bound to take the advice of some one individual at the least. Perhaps that may be a greater danger than if he consults the accredited elected representatives of the people, who happen to hold office at the time. As has been pointed out by Mr. Basheer Ahmed Sayeed it is perhaps possible he may take the advice of the Chief Secretary or some Secretary or some gentlemen, say, like Mr. James (Laughter) in making these appointments. Is it suggested that these people are better fitted to advise His Excellency? Certainly not. The representatives of the majority party—they are the best people to advise the Governor. Sir, it was Mr. James that said that the interests of the minority communities would suffer if the power of making appointments is vested in the Governor in Council. I never believed that my friend, Mr. James, was capable of trotting out this kind of preposterous and absurd plea. I should like to assure my friends of the minority communities that they would be entirely mistaken if they should believe that.”

MR. F. E. JAMES:—“ I never made any such statement on the floor of this House.” (Laughter.)

* MR. V. T. ARASU:—“ I am glad my friend, Mr. James, admits that he dare not put forward that absurd plea on the floor of this House. (Laughter.) And I wish to assure my hon. Friends belonging to the depressed class communities that in this question their interests will be quite safe in the hands of the Governor in Council. Because in the coming Reforms, whatever party may be in power, they will have about 25 votes. Perhaps they may influence . . . ”

* THE HON. THE PRESIDENT:—“ Order, order. I don't think the hon. Member will be usefully discussing all these things that have already been discussed. If he has got any objection to the passage of this Bill into law he may mention a few facts and finish his say.”

* MR. V. T. ARASU:—“ These, Sir, are some of the reasons on the basis of which I oppose the passing of this Bill into law.”

“ This is not a simple amendment as the hon. the Revenue Member would have us believe. This is a serious amendment. For, the power of appointment is hereafter to be vested in the Governor. It must be admitted on all hands that several heads are much better than one single head. And so in choosing candidates for the Membership as well as the Presidentship of the Services Commission, is it not better, I ask, that a body of people, in the shape of His Excellency the Governor and his legally constituted Ministers, do put their heads together and choose the right and proper persons to fill the place, than leaving it to a single individual—the Governor? We know from human experience, and history, also teaches the same thing, what will happen when such matters are entrusted into the hands of one single person, however exalted he may be. Sir, on these grounds, I oppose the Bill being passed into law.”

MR. BASHEER AHMED SAYEED:—“ Mr. President, Sir, . . . ”

[4th August 1932]

* The hon. the PRESIDENT:—"Order, order. I will put the motion to the vote of the House. The question is—
'that the Bill be passed into law'."

The motion was declared carried. Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

- | | |
|---|---|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 19. Mr. M. S. Sreshta. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 20. " P. C. Moses. |
| 3. " Sir Archibald Campbell. | 21. " P. V. Rajagopala Pillai. |
| 4. " Mr. H. G. Stokes. | 22. " C. Indriah. |
| 5. " Mr. P. T. Rajan. | 23. Rao Sahib V. Dharmalingam Pillai. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 24. Mr. M. A. Muthiah Chettiyar. |
| 7. Mr. C. E. Jones. | 25. " Daniel Thomas. |
| 8. " J. A. Thorne. | 26. Swami A. S. Sahajanandam. |
| 9. " H. M. Hood. | 27. Pandit Ganada Ramamurti. |
| 10. " S. H. Slater. | 28. Mahboob Ali Baig Sahib Bahadur. |
| 11. " E. Conran Smith. | 29. Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 12. " T. Sundara Rao Nayudu. | 30. Mr. T. S. Ramaswami Ayyar. |
| 13. Khan Sahib Syed Tajuddin Sahib Bahadur. | 31. " F. E. James. |
| 14. Rao Bahadur A. T. Pannirselvam. | 32. " J. Kuppuswami Choudari. |
| 15. Mr. M. B. Rangaswami Reddi. | 33. " C. Satyanarayana Choudari. |
| 16. " M. Devadasan. | 34. Rao Bahadur C. Natesa Mudaliyar. |
| 17. Subadar-Major S. A. Nanjappa Bahadur. | 35. Mr. C. Basu Dev. |
| 18. Diwan Bahadur M. Gopalaswami Mudaliyar. | 36. Rao Sahib V. I. Muniswami Pillai. |
| | 37. Mr. W. P. A. Soundara Pandian. |
| | 38. Khan Bahadur T. M. Moideco Sahib Bahadur. |
| | 39. Mr. G. R. Premaïyya. |
| | 40. " G. Lakshmana Reddi. |

Noes.

- | | |
|---|--|
| 1. Mr. K. P. Raman Menon. | 5. Basheer Ahmed Sayeed Sahib Bahadur. |
| 2. " V. M. Ramaswami Mudaliyar. | 6. Mr. K. A. Nachiyappa Gounder. |
| 3. Rao Sahib P. Subrahmanyam Chetti. | 7. " U. C. Subrahmanya Bhatt. |
| 4. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 8. " K. S. Sivasubrahmanya Ayyar. |
| | 9. " V. T. Arasu. |

Ayes 40. Noes 9.

The motion was carried and the Bill was passed into law.

VII.—ELECTION OF FIVE MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

* The hon. the PRESIDENT:—"I have to announce to the House that as a result of the voting for the election of five members to the Senate of the Annamalai University by the Members of the Madras Legislative Council, the following Members have been declared duly elected:—

1. Mr. V. T. Arasu.
2. S. M. K. Beyabani Sahib Bahadur.
3. Mrs. K. Alamelumangathayaramma.
4. Rao Sahib C. Jayaram Nayudu.
5. Swami A. S. Sahajanandam.

"The House will now adjourn and meet to-morrow at 11 a.m."

VIII.—PAPER LAID ON THE TABLE OF THE HOUSE.

* Report of the Madras Services Commission for 1931-32.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

4th August 1932]

APPENDIX I.

[Vide answer to question No. 95 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 4th August 1932, page 252 supra.]

Copy of petition presented to the Collector by the residents of Thodikana village, dated 22nd June 1932.

[The humble petition of the residents of Thodikana village, Puttur taluk, South Kanara district.]

Aggrieved by the order of the Collector of 17th May 1932 closing the Thodikana Reserve Forest for grazing of the cattle of the villagers from 1st June 1932, the above petitioners make the following appeal on the following among other grounds:—

(1) The village of Thodikana with the exception of the residential houses of the villagers and the small patches of land immediately surrounding them which is all the Revenue land in the village, all the other land is classed as "Reserve Forest" and necessarily the villagers have to graze their cattle only in the Reserve Forest as they have been doing from of old. The order of the Collector of South Kanara abovesaid has deprived the villagers of the only means of grazing their cattle.

(2) The petitioners learn that owing to the fire which broke out in the forest owing really to the lateness of rainfall this year and to the spread of fire from Coorg side, but wrongly ascribed by the forest officials to the mischief of some villagers, which later is false as the villagers themselves would never set fire to the forests which are so close to their dwelling houses and which would burn their houses as well as has actually happened causing about three or four thousand rupees damage by the burning of about three houses, the forest officials appear to have reported to the Collector to stop the privilege of grazing as a punishment. The result is that the villagers as a whole are put to very serious hardship, the cattle cannot but be grazed in the only available land which is all classed as forest land and the moment cattle are found there, they are sent to the pound and villagers are forced to pay Rs. 2 each per head of buffalo, and Re. 1 each per head of cow, in addition to the feeding charges and compounding fees. Even if cattle are found on the road side, forest officials impound them and put the villagers to serious trouble and loss.

(3) Cattle are absolutely necessary for cultivation purposes of the villages as is well both for manure and tilling as well as for the milk supply. For want of a grazing ground, the cattle of the village have all been sent to Coorg to the house of the relative of the villages in the neighbouring district of Coorg, or to other villagers, which will seriously affect the cultivation and health of the villagers.

(4) The petitioners, therefore, pray that in modification of the order of the Collector of South Kanara abovesaid, the petitioners may be allowed to graze their cattle as before. For which act of kindness and justice, the petitioners shall ever be grateful.

[4th August 1932]

APPENDIX II.

[Vide answer to question No. 101 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 4th August 1932, page 256 supra.]

Rules for the working of the Nandyal Tank Irrigation Board.

The Panchayat is constituted (a) to regulate the turns of opening and closing the sluices of Nandyal tanks having regard both to the reasonable requirements for irrigation and the town water-supply, (b) to secure fair distribution of water to individual ryots under each sluice and settle disputes that may arise, (c) to settle what lands are to receive irrigation when the supply in the tanks is insufficient for the whole ayacut and (d) to supply labour when urgently required for repairs to the tanks by the Public Works Department or Revenue authorities.

2. The Panchayat will be answerable for their acts of omission or commission if they are ultra vires or improper. The Panchayat may be dissolved by the Collector and any member of the Panchayat who does not discharge properly the duties he has undertaken or misuses his authority will be liable to removal by the Revenue Divisional Officer of Nandyal.

3. The Panchayat shall be bound to allow water to any ryot on the requisition of the Divisional Officer who will exercise a general power of revision over its orders.

4. There shall be for each sluice one or more 'Yajimans' appointed by the Divisional Officer in accordance with the wishes of the ryots cultivating under the sluice and they shall form the panchayat. The Panchayat will choose one of its members to be Secretary.

5. The 'Yajimans' for each sluice will be immediately responsible for the proper distribution of water to the fields and the settlement of disputes. They will have charge of the sluice keys subject to the condition in rule 8. A ryot aggrieved by the orders of his sluice Yajiman may appeal to the whole panchayat and the Secretary on his requisition will convene a meeting for this purpose.

6. The Panchayat as a whole having regard to the requirements of the irrigated area will decide in what order and from what periods the sluices shall be opened and may make arrangements when it thinks fit for lands ordinarily irrigated under one sluice to be irrigated under another.

7. The Government Nigantais will open and shut the sluices in the morning and evening as required by the sluice 'Yajimans' but otherwise they will be under the control of the Reddy of Nandyal to whom application must be made if they are required for any field work or inspections.

8. In the monsoon it is essential for the safety of the tanks that the sluices should be under the control of one man having direct official responsibility and the keys of the sluices will, therefore, be in charge of the Reddy of Nandyal during that period.

9. The Panchayatdars shall hold office for three years and shall be eligible for reappointment.